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A8-0077/ 001-150

AMENDMENTS 001-150

by the Committee on the Internal Market and Consumer Protection

Report

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A8-0077/2017

Cooperation between national authorities responsible for the enforcement of consumer protection laws

Proposal for a regulation (COM(2016)0283 – C8-0194/2016 – 2016/0148(COD))

Amendment 1

Proposal for a regulation

Recital -1 (new)

Text proposed by the Commission

Amendment

(-1) The Union's consumer protection policy is governed by point (f) of Article 4(2), Article 12, Article 114(3) and Article 169 of the Treaty on the Functioning of the European Union (TFEU) and Article 38 of the Charter of Fundamental Rights of the European Union.

Amendment 2

Proposal for a regulation

Recital -1 a (new)

Text proposed by the Commission

Amendment

(-1a) Article 169 TFEU states that the Union's consumer protection policy is to promote the interests of consumers and to ensure a high level of consumer protection. In order to do so, the Union is

to contribute to protecting the health, safety and economic interests of consumers, as well as to promoting their right to information, education and to organise themselves in order to safeguard their interests.

Amendment 3

Proposal for a regulation Recital -1 b (new)

Text proposed by the Commission

Amendment

(-1b) Article 197 TFEU on administrative cooperation recognises that effective implementation of Union law by the Member States is essential for the proper functioning of the Union and fixes the limits within which the Union and Member States are to act in this regard.

Amendment 4

Proposal for a regulation Recital 1

Text proposed by the Commission

Amendment

(1) Regulation (EC) No 2006/2004 of the European Parliament and of the Council⁶¹ provides for harmonised rules and procedures to facilitate cooperation between national authorities responsible for the enforcement of cross-border consumer protection laws. Article 21a provides for a review of the effectiveness and operational mechanisms of that Regulation and pursuant to that Article, the Commission concluded that Regulation (EC) No 2006/2004 is not sufficient to effectively address the enforcement challenges of the Single Market, **and in particular** the Digital Single Market,

(1) Regulation (EC) No 2006/2004 of the European Parliament and of the Council⁶¹ provides for harmonised rules and procedures to facilitate cooperation between national authorities responsible for the enforcement of cross-border consumer protection laws. Article 21a **of Regulation (EC) No 2006/2004** provides for a review of the effectiveness and operational mechanisms of that Regulation and pursuant to that Article, the Commission concluded that Regulation (EC) No 2006/2004 is not sufficient to effectively address the enforcement challenges of the Single Market, **including** the Digital Single Market.

⁶¹ Regulation (EC) 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (OJ L 364, 9.12.2004, p. 1).

⁶¹ Regulation (EC) 2006/2004 of the European Parliament and of the Council on cooperation between national authorities responsible for the enforcement of consumer protection laws (OJ L 364, 9.12.2004, p. 1).

Amendment 5

Proposal for a regulation Recital 2

Text proposed by the Commission

(2) The Digital Single Market Strategy adopted by the Commission on 6 May 2015 identified as one of the priorities the need to enhance consumer trust through more rapid, **agile** and consistent enforcement of consumer **rules**. The Single Market Strategy adopted by the Commission on 28 October 2015 reiterated that enforcing Union **consumer protection legislation** should be further strengthened by the Regulation **on Consumer Protection Cooperation**,

Amendment

(2) The Digital Single Market Strategy adopted by the Commission on 6 May 2015 identified as one of the priorities the need to enhance consumer trust through more rapid and consistent enforcement of consumer **laws**. The Single Market Strategy adopted by the Commission on 28 October 2015 reiterated that enforcing Union **laws that protect consumers' interests** should be further strengthened by the **reform of Regulation (EC) No 2006/2004**.

Amendment 6

Proposal for a regulation Recital 3

Text proposed by the Commission

(3) The **resulting** ineffective enforcement of cross-border infringements, **in particular** in the digital environment, enables traders to **evade enforcement by relocating** within the Union, giving rise to a distortion of competition for law-abiding traders operating either domestically or cross-border, **and thus** directly harming consumers and undermining consumer confidence in cross-border transactions and the Single Market. An increased level of harmonisation **setting** effective and efficient **enforcement** cooperation among

Amendment

(3) The ineffective enforcement of **the laws to prevent** cross-border infringements, **including** in the digital environment, enables traders to **relocate** within the Union, giving rise to a distortion of competition for law-abiding traders operating **(whether online or offline)** either domestically or cross-border, **thereby** directly **and significantly** harming **the single market and** consumers and undermining consumer confidence in cross-border transactions and the Single Market. An increased level of

competent public enforcement authorities is therefore necessary to detect, investigate **and** order the cessation of **intra-Union infringements and widespread infringements**,

harmonisation **that ensures** effective and efficient cooperation among competent public enforcement authorities is therefore necessary **in order** to detect, investigate, order **and enforce** the cessation of infringements.

Amendment 7

Proposal for a regulation Recital 4

Text proposed by the Commission

(4) Regulation (EC) No 2006/2004 **of the European Parliament and of the Council** established a network of competent public authorities throughout the Union. Effective coordination among different competent authorities participating in the network, as well as other public authorities at the level of Member States, is necessary. The coordination role of the single liaison office should be entrusted **to a competent authority** in each Member State that has sufficient powers and resources to undertake **this** key role **in the network of competent authorities**,

Amendment

(4) Regulation (EC) No 2006/2004 established a network of competent public authorities throughout the Union. Effective coordination among different competent authorities participating in the network, as well as other public authorities at the level of Member States, is necessary. The coordination role of the single liaison office should be entrusted in each Member State **to a public authority** that has sufficient powers and **necessary** resources to undertake **that** key role.

Amendment 8

Proposal for a regulation Recital 5

Text proposed by the Commission

(5) Consumers should also be protected **from short-lived intra-Union infringements and widespread** infringements that only last for a short period of time but **whose** harmful effects may continue long after the infringement has stopped. Competent authorities should have the necessary powers to investigate and order a cessation of such infringements **in the future**,

Amendment

(5) Consumers should also be protected **against** infringements that only last for a short period of time but **the** harmful effects **of which** may continue long after the infringement has stopped. Competent authorities should have the necessary powers to investigate and order a cessation of such infringements, **so as to ensure consumer protection**.

Amendment 9

Proposal for a regulation Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In order to ensure legal certainty and the efficiency of enforcement actions against ceased infringements in a cross-border context, and to prevent differential treatment both for consumers and traders in the Single Market, the introduction of a limitation period is needed. This will involve the setting of an unambiguous period of time within which competent authorities, when enforcing the rules governing cross-border infringements, may impose sanctions, order the compensation of consumers or order the restitution of profits obtained as a result of infringements.

Amendment 10

Proposal for a regulation Recital 6

Text proposed by the Commission

Amendment

(6) Competent authorities should have a ***minimum*** set of powers of investigation and enforcement to apply this Regulation ***effectively, to*** cooperate with each other, and ***to*** deter traders from committing ***intra-Union*** infringements ***and widespread infringements***. Those powers should be ***adequate to*** tackle the enforcement challenges of e-commerce and the digital environment ***where the possibilities of a trader easily concealing its identity or changing it are of particular concern***. Those powers should ensure that evidence can be validly exchanged among competent authorities to achieve effective enforcement at an equal level in all

(6) Competent authorities should have a ***consistent*** set of powers of investigation and enforcement, ***in order*** to apply this Regulation, cooperate with each other ***more quickly and more efficiently*** and deter traders from committing infringements. Those powers should be ***sufficient to effectively*** tackle the enforcement challenges of e-commerce and the digital environment ***and to prevent non-compliant traders from exploiting gaps in the enforcement system by relocating to Member States whose competent authorities are not equipped to tackle unlawful practices***. Those powers should ensure that ***information and*** evidence can be validly exchanged among

Member States,

competent authorities to achieve effective enforcement at an equal level in all Member States.

Amendment 11

Proposal for a regulation

Recital 7

Text proposed by the Commission

(7) Member States *may* choose whether the competent authorities exercise those powers directly under their own authority or by application to the competent courts. Where the Member States choose that competent authorities exercise their powers by application to the competent courts, Member States should ensure that those powers can be exercised effectively and in a timely manner and that the cost of *exercise of* those powers *be* proportionate and does not hamper the application of this Regulation,

Amendment

(7) ***This Regulation should not affect the freedom of the Member States to choose the enforcement system they deem appropriate. Member States should be able to choose to determine the most adequate distribution of powers among national competent authorities, provided that every power can be used effectively to address any infringement. Member States should also be able to choose whether the competent authorities exercise those powers directly under their own authority or with the assistance of other public authorities or under the supervision of the judicial authorities or by application to the competent courts. Where the Member States choose that competent authorities exercise their powers by application to the competent courts, Member States should ensure that those powers can be exercised effectively and in a timely manner and that the cost of exercising those powers is proportionate and does not hamper the application of this Regulation. Member States may also decide, in accordance with this Regulation, to assign certain tasks under this Regulation to designated bodies.***

Amendment 12

Proposal for a regulation

Recital 9

Text proposed by the Commission

(9) Competent authorities should be in a position to open investigations on their own initiative if they become aware of intra-Union infringements or widespread infringements by means other than consumer complaints. ***This is particularly necessary to ensure effective cooperation among competent authorities when addressing widespread infringements,***

Amendment 13

Proposal for a regulation Recital 10

Text proposed by the Commission

(10) Competent authorities should have access to all necessary evidence, data and information to determine whether an ***intra-Union infringement or widespread infringement*** has occurred, and in particular to identify the trader responsible, irrespective of who possesses ***this*** evidence, information or data, of where it is located and of its format. Competent authorities should be able to directly request that third parties in the digital value chain provide all the evidence, data and information necessary,

Amendment 14

Proposal for a regulation Recital 10 a (new)

Text proposed by the Commission

Amendment

(9) Competent authorities should be in a position to open investigations on their own initiative if they become aware of intra-Union infringements or widespread infringements by means other than consumer complaints.

Amendment

(10) Competent authorities should have access to all necessary evidence, data and information ***relating to the subject matter of an investigation in order*** to determine whether an infringement has occurred, and in particular to identify the trader responsible, irrespective of who possesses ***the*** evidence, information or data ***in question and regardless*** of where it is located and of its format. Competent authorities should be able to directly request that third parties in the digital value chain provide all the evidence, data and information necessary, ***on condition that they consistently respect the principles of personal data protection.***

Amendment

(10a) Competent authorities should be able to carry out the necessary on-site inspections, and should have the power to

enter any premises, land or means of transport, that the trader uses for purposes relating to his trade, business, craft or profession.

Amendment 15

Proposal for a regulation Recital 10 b (new)

Text proposed by the Commission

Amendment

(10b) Competent authorities should be able to request any representative or member of the staff of the trader concerned to give explanations or provide facts, information or documents relating to the subject matter of the inspection, and to record the answers given by that representative or staff member.

Amendment 16

Proposal for a regulation Recital 11

Text proposed by the Commission

Amendment

(11) Competent authorities should be able to verify compliance with *consumer protection legislation* and to obtain evidence of *intra-Union* infringements *or widespread infringements, especially those that take place* during or after the purchase of goods and services. They should therefore have the power to make test purchases and to purchase goods or services under a cover identity,

(11) Competent authorities should be able to verify compliance with *Union laws that protect consumers' interests* and to obtain evidence of infringements *before*, during or after the purchase of goods and services. They should therefore have the power to make test purchases and, *where the evidence cannot be obtained by other means*, to purchase goods or services under a cover identity.

Amendment 17

Proposal for a regulation Recital 12

Text proposed by the Commission

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, **notably** where the trader selling goods or services conceals **its** identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should to be able to adopt interim measures to prevent such harm **or reduce it, including, where necessary, the suspension of a website, domain or a similar digital site,** service or account. Furthermore, the competent authorities should have the power to **take down or have a third party service provider take down a website, domain or a similar digital site,** service or account,

Amendment

(12) In the digital environment in particular, the competent authorities should be able to stop infringements quickly and effectively, **in particular** where the trader selling goods or services conceals **his** identity or relocates within the Union or to a third country to avoid enforcement. In cases where there is a risk of serious and irreparable harm to consumers, the competent authorities should to be able to adopt interim measures, **where there are no other means available,** to prevent **or mitigate** such harm, **in particular requiring hosting service providers to remove content or to suspend a website, service or account, or requiring domain registries and registrars to put a fully qualified domain name on hold for a specific period of time.** Furthermore, **if the interim measures have been unsuccessful, and only as a last resort,** the competent authorities should **also** have the power to **order a hosting service provider to remove content or close down a website, service or account or a part of it, or to order a registries or registrars to delete a fully qualified domain name and allow the competent authority concerned to register it. Taking into account their potential impact on fundamental rights, those powers should be exercised in line with the Charter of Fundamental Rights of the European Union and after receiving judicial authorisation.**

Amendment 18

**Proposal for a regulation
Recital 13**

Text proposed by the Commission

(13) In order to ensure that traders are sufficiently deterred from committing or repeating infringements and that they will not profit from **those** infringements, the

Amendment

(13) In order to ensure that traders are sufficiently deterred from committing or repeating infringements and that they will not profit from **such** infringements, the

rules on **penalties** which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be applied to **intra-Union** infringements **and widespread infringements**. **For those same reasons, consumers should be entitled to redress for harm caused by such infringements,**

Amendment 19

Proposal for a regulation Recital 14

Text proposed by the Commission

(14) As regards consumer redress, the competent authorities should choose **proportionate, just and reasonable** measures that **would** prevent or reduce the risk of recurrence or repetition of infringements, **taking into account in particular the anticipated benefits to consumers and the reasonable administrative costs likely to be associated with the implementation of those measures. Where the consumers concerned cannot be identified or where they cannot be identified without disproportionate cost to the trader responsible, the competent authority may order that the restitution** of profits obtained **through the infringement be paid to the public purse or to a beneficiary designated by the competent authority or under national legislation,**

Amendment 20

Proposal for a regulation Recital 15

Text proposed by the Commission

(15) The effectiveness and efficacy of the mutual assistance mechanism should be

rules on **sanctions** which have been adopted by Member States in accordance with the requirements of Union laws that protect consumers' interests should also be **observed and** applied to infringements, **taking also into account the overall harm resulting from the infringement.**

Amendment

(14) As regards consumer redress, the competent authorities should choose **effective** measures that **will** prevent or reduce the risk of recurrence or repetition of infringements. **Consumers should be entitled to redress for harm caused by infringements. The power to order the compensation of consumers or the restitution of profits is essential in order to remove the harm caused by a cross-border infringement, and to restore the level playing field in the single market that has been distorted through the collection** of profits obtained **as a result of infringements.**

(15) The effectiveness and efficacy of the mutual assistance mechanism should be

improved. Information requested should be provided *in a timely manner* and the necessary enforcement measures should be adopted in a timely manner. ***The Commission should therefore set binding time periods for competent authorities to reply to information and enforcement requests, and clarify procedural and other aspects of handling information and enforcement requests, by means of implementing measures,***

Amendment 21

Proposal for a regulation Recital 16

Text proposed by the Commission

(16) The Commission ***must*** be better able to coordinate and monitor the functioning of the mutual assistance mechanism, issue guidance, make recommendations and issue opinions to the Member States when problems arise. The Commission ***also must*** be better able to effectively and quickly assist competent authorities to resolve disputes over the interpretation of their obligations ***of the competent authorities*** stemming from the mutual assistance mechanism,

Amendment 22

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) Harmonised rules setting out the procedure for the coordination of the ***surveillance***, investigation ***and enforcement*** of widespread infringements ***should be provided***. Coordinated actions against widespread infringements should ensure that competent authorities may choose the most appropriate and efficient tools to stop widespread infringements and

improved. Information requested should be provided ***within the time limits laid down by this Regulation*** and the necessary enforcement measures should be adopted in a timely manner.

Amendment

(16) The Commission ***should*** be better able to coordinate and monitor the functioning of the mutual assistance mechanism, issue guidance, make recommendations and issue opinions to the Member States when problems arise. The Commission ***should also*** be better able to effectively and quickly assist competent authorities to resolve disputes over the interpretation of their obligations stemming from the mutual assistance mechanism.

Amendment

(17) ***This Regulation should lay down*** harmonised rules setting out the procedure for the coordination of the investigation of widespread infringements ***and widespread infringements with a Union dimension and enforcement of the rules governing such infringements***. Coordinated actions against widespread infringements ***and widespread infringements with a Union***

to ensure consumer compensation,

dimension should ensure that competent authorities may choose the most appropriate and efficient tools to stop widespread infringements **and widespread infringements with a Union dimension** and to ensure consumer compensation.

Amendment 23

Proposal for a regulation Recital 18

Text proposed by the Commission

(18) Coordinated screening of online e-commerce websites (sweeps) **are** another form of enforcement coordination that has proven to be an effective tool against infringements **that** should be retained and strengthened in the future,

Amendment

(18) Coordinated screening of online e-commerce websites (sweeps) **is** another form of enforcement coordination that has proven to be an effective tool against infringements **which** should be retained and strengthened in the future, **including by extending its application to offline sectors.**

Amendment 24

Proposal for a regulation Recital 19

Text proposed by the Commission

(19) Widespread infringements with a Union dimension may cause **large scale** harm to a majority **of consumers in the Union. They therefore require a specific** Union-level coordination procedure **with the Commission as the mandatory coordinator**. To ensure **that the procedure is launched in a timely, coherent and effective manner and that the conditions are verified in a uniform manner**, the Commission should be in charge of verifying whether the conditions for the launch of the procedure are fulfilled. Evidence and information collected during the **common** action should be used **seamlessly** in national proceedings when required,

Amendment

(19) **In the case of** widespread infringements with a Union dimension **that** may cause harm **to consumers' collective interests in a majority of Member States, the Commission should launch and coordinate a** Union-level coordination procedure. To ensure **procedural coherence**, the Commission should be in charge of verifying whether the conditions for the launch of the procedure are fulfilled. Evidence and information collected during the **coordinated** action should be used in national proceedings when required.

Amendment 25

Proposal for a regulation Recital 20

Text proposed by the Commission

(20) In the context of widespread infringements and widespread infringement with a Union dimension, the rights of defence of the traders concerned should be respected. This requires, in particular, giving the trader the right to be heard and to use the language of *its choice during the proceedings*,

Amendment

(20) In the context of widespread infringements and widespread infringement with a Union dimension, the rights of defence of the traders concerned should be respected. This requires, in particular, giving the trader the right to be heard and to use the language of *the Member State of his establishment or residence. It is also essential to ensure compliance with Union legislation on the protection of undisclosed know-how and business information.*

Amendment 26

Proposal for a regulation Recital 21

Text proposed by the Commission

(21) If a trader responsible for *the* widespread infringement or *the* widespread infringement with a Union dimension fails to cease *the* infringement voluntarily, the competent authorities of the Member States concerned should designate one competent authority in a Member State to take the enforcement action adapted to preserve the rights of consumers residing in the other Member States concerned by *the* infringement. *That* competent authority *should* be designated, *taking* into account its capacity to take effective action against the trader, *for instance where the trader is established in the Member State of that authority*. The designated competent authority should act as if the consumers *of* the other Member States were its own consumers. Where necessary, *to avoid extraterritorial application of the law*,

Amendment

(21) If a trader responsible for *a* widespread infringement or *a* widespread infringement with a Union dimension fails to cease *that* infringement voluntarily, the competent authorities of the Member States concerned should designate one competent authority in a Member State to take the enforcement action adapted to preserve the rights of consumers residing in the other Member States concerned by *that* infringement. *The decision concerning the* competent authority *to* be designated *should take* into account *all relevant aspects for effective enforcement, such as* its capacity to take effective action against the trader. The designated competent authority should act as if the consumers *in* the other Member States were its own consumers. Where necessary, several or all the Member States concerned by the

several or all the Member States concerned by the infringement should ***be allowed to*** adopt enforcement measures ***at the same time*** to protect their own consumers or consumers residing in other Member States. This may be needed, for instance, to stop infringements of a similar nature by subsidiaries of a company, established in more than one Member State, which affect the consumers ***of*** those Member States only, without an apparent cross-border element (parallel infringements),

infringement should adopt ***simultaneous*** enforcement measures to protect their own consumers or consumers residing in other Member States. This may be needed, for instance, to stop infringements of a similar nature by subsidiaries of a company established in more than one Member State which affect the consumers ***in*** those Member States only, without an apparent cross-border element (parallel infringements).

Amendment 27

Proposal for a regulation Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) In order to enhance the transparency of the cooperation network, and to raise awareness amongst consumers and the public in general, the Commission should submit biennial reports to the European Parliament and to the Council containing an overview of the information, statistics and developments in the area of consumer law enforcement, collected within the framework of the cooperation provided for by this Regulation.

Amendment 28

Proposal for a regulation Recital 23

Text proposed by the Commission

Amendment

(23) Consumer organisations play an essential role in informing consumers about their rights and educating them and protecting their interests, including the settlement of disputes. ***Consumers should be encouraged to cooperate with the competent authorities to strengthen the***

(23) Consumer organisations play an essential role in informing consumers about their rights and educating them and protecting their interests, including the settlement of disputes. Consumer organisations and European Consumer Centres should be in a position to notify

application of this Regulation. Consumer organisations, ***in particular consumer organisations that may be delegated enforcement tasks under this Regulation*** and European Consumer Centres, should be in a position to notify competent authorities of suspected infringements and share information needed to detect, investigate and stop ***intra-Union infringements and widespread infringements with them,***

competent authorities of suspected infringements and share ***with them*** information needed to detect, investigate and stop infringements.

Amendment 29

Proposal for a regulation Recital 23 a (new)

Text proposed by the Commission

Amendment

(23a) Entities with appropriate expertise and a legitimate interest in consumer protection, in particular consumer organisations, should be allowed to participate in the alert mechanism provided for by this Regulation. Participation of trader associations in the alert mechanism should be also allowed to notify competent authorities of suspected infringements and share with them information needed to detect, investigate and stop infringements, to give their opinion about investigations or infringements and to notify competent authorities of abuse of Union laws that protect consumers' interests. Although competent authorities should not be bound to initiate a procedure or to take any other action in response to alerts and information provided by such entities, they should, in order to enhance transparency, notify the entity that made the external alert of any follow-up actions taken by the competent authority concerned in relation to the alerts, or, upon request, of the lack of any action.

Amendment 30

Proposal for a regulation Recital 24

Text proposed by the Commission

(24) Infringements which are widespread throughout the Union should be effectively and efficiently resolved. To **this** end, enforcement prioritisation and planning at the Member State level should be coordinated and the available resources of competent authorities should be pooled. A system of biennial **rolling** enforcement plans should be put in place to achieve this,

Amendment

(24) Infringements which are widespread throughout the Union should be effectively and efficiently resolved. To **that** end, enforcement prioritisation and planning at the Member State level should be coordinated and the available resources of competent authorities should be pooled. A system of biennial enforcement plans should be put in place to achieve this.

Amendment 31

Proposal for a regulation Recital 25

Text proposed by the Commission

(25) Data related to consumer complaints may help policymakers at **a** national and Union level to assess the functioning of consumer markets and detect infringements. **With a view to facilitating** the exchange of such data at **a** Union level, **the Commission has adopted a Recommendation on the use of a harmonised methodology for classifying and reporting consumer complaints and enquiries⁶². That Recommendation should be implemented to fully support enforcement cooperation and facilitate the detection of intra-Union infringements and widespread infringements,**

Amendment

(25) Data related to consumer complaints may help policymakers at national and Union level to assess the functioning of consumer markets and **to** detect infringements. The exchange of such data at Union level **and coordination between the Member States and the Commission of activities contributing to surveillance and enforcement should be promoted.**

⁶² *Commission Recommendation on the use of harmonised methodology for classifying consumer complaints and enquiries (2010/304/EU, OJ L 136, 2.6. 2010, p. 1-31).*

Amendment 32

Proposal for a regulation Recital 26

Text proposed by the Commission

(26) Enforcement challenges *that* go beyond the frontiers of the Union, *and* the interests of *Union* consumers should be protected *from* rogue traders based in third countries. *Hence*, international agreements with third countries regarding mutual assistance in the enforcement of legislation that protects consumers' interests should be negotiated. Those international agreements should include the subject matter laid down in this Regulation and should be negotiated at Union level in order to ensure the optimum protection of Union consumers and smooth cooperation with third countries,

Amendment

(26) Enforcement challenges go beyond the frontiers of the Union. The interests of *European* consumers should be protected *against* rogue traders based in third countries. International agreements with third countries regarding mutual assistance in the enforcement of legislation that protects consumers' interests should be negotiated. Those international agreements should include the subject matter laid down in this Regulation and should be negotiated at Union level in order to ensure the optimum protection of Union consumers and smooth cooperation with third countries.

Amendment 33

Proposal for a regulation Recital 27

Text proposed by the Commission

(27) In order to ensure uniform conditions for the implementation *and exercise of the minimum powers of competent authorities, set time limits and set out other details of procedures to address intra-Union infringements, widespread infringements and details of the surveillance mechanism and administrative cooperation among competent authorities, implementing powers should be conferred on the Commission.* Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶³,

Amendment

(27) In order to ensure uniform conditions for the implementation *of this Regulation, implementing powers should be conferred on the Commission, to lay down the standard forms and steps of the procedure under the mutual assistance mechanism; lay down time limits and standard forms for notifications and other exchanges of information and enforcement requests for coordinated actions in relation to widespread infringements and widespread infringements with a Union dimension; set out the details of the procedure for sweeps; lay down standard forms for submitting an alert and an external alert via the database; and lay down standard electronic forms and templates available in the database for the discussion forum.* Those powers should be exercised in

accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁶³.

⁶³ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13-18).

⁶³ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

Amendment 34

Proposal for a regulation Recital 28

Text proposed by the Commission

(28) The examination procedure should be used for the adoption of the acts *pursuant* to Articles 10, 11, 12, 13, 15, 20, 27, 31, 32, 34, 35, 36, 37, 39, 43 and 46 of this Regulation given that those acts are of general scope,

Amendment

(28) The examination procedure should be used for the adoption of the *implementing* acts *referred to in* Articles 15a, 20, 32, 34, 35 and 43 of this Regulation, given that those acts are of general scope.

Amendment 35

Proposal for a regulation Recital 34

Text proposed by the Commission

(34) This Regulation is without prejudice to *penalties* laid down in sectoral Union legislation and Union consumer legislation and applied to national infringements. The competent authorities should, as appropriate, apply the provisions of national law implementing those provisions, taking into account the actual scale and scope of the infringement and the harm caused by the infringement to consumers in other Member States,

Amendment

(34) This Regulation is without prejudice to *sanctions* laid down in sectoral Union legislation and Union consumer legislation and applied to national infringements. The competent authorities should, as appropriate, apply the provisions of national law implementing those provisions, taking into account the actual scale and scope of the infringement *concerned* and the harm caused by the infringement to consumers in other Member States.

Amendment 36

Proposal for a regulation Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) This Regulation should be implemented and applied in full compliance with the Union rules on the protection of individuals with regard to the processing of personal data and any applicable national law in accordance with Union law concerning data protection.

Amendment 37

Proposal for a regulation Recital 35

Text proposed by the Commission

Amendment

(35) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union⁷⁰. Accordingly this Regulation should be interpreted and applied with respect to those rights and principles. When exercising the ***minimum*** powers set out in this Regulation, the competent authorities should strike an appropriate balance between the interests protected by fundamental rights such as a high level of consumer protection, the freedom to conduct business and freedom of information,

(35) This Regulation respects fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union. Accordingly, this Regulation should be interpreted and applied with respect to those rights and principles. When exercising the powers set out in this Regulation, the competent authorities should strike an appropriate balance between the interests protected by fundamental rights, such as a high level of consumer protection, the freedom to conduct business, ***freedom of expression*** and freedom of information.

⁷⁰ *OJ C 364, 18.12.2000, p. 1.*

Amendment 38

Proposal for a regulation Article 1 – paragraph 1

Text proposed by the Commission

This Regulation lays down the conditions under which the competent authorities in the Member States designated as responsible for the enforcement of *the* laws that protect consumers' interests cooperate with each other and with the Commission in order to ensure compliance with those laws and the smooth functioning of the internal market and in order to enhance the protection of consumers' economic interests.

Amendment 39

Proposal for a regulation
Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation applies to intra-Union infringements and widespread infringements defined in points (b) *and* (c) of Article 3.

Amendment 40

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

2. *This Regulation also applies to short-lived intra-Union infringements and widespread infringements, even if those infringements have ceased before enforcement started or could be completed.*

Amendment

This Regulation lays down the conditions under which the competent authorities in the Member States designated as responsible for the enforcement of *Union* laws that protect consumers' interests cooperate with each other and with the Commission in order to ensure compliance with those laws and the smooth functioning of the internal market and in order to enhance the protection of consumers' economic interests.

Amendment

1. This Regulation applies to intra-Union infringements, *widespread infringements* and widespread infringements *with a Union dimension as respectively* defined in points (b), (c) *and (ca)* of Article 3, *even where those infringements have ceased before an enforcement procedure started or could be completed.*

Amendment

deleted

Amendment 41

Proposal for a regulation Article 2 – paragraph 4

Text proposed by the Commission

4. This Regulation shall be without prejudice to the application in the Member States of measures relating to judicial cooperation in criminal and civil matters, in particular the operation of the European Judicial Network.

Amendment

4. This Regulation shall be without prejudice to the application in the Member States of measures relating to judicial cooperation in criminal and civil matters, in particular the operation of the European Judicial Network, **and to the application of legal instruments regarding judicial cooperation in criminal matters.**

Amendment 42

Proposal for a regulation Article 2 – paragraph 6

Text proposed by the Commission

6. This Regulation shall be without prejudice to the role and powers of competent authorities and European Banking Authority under Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 **on credit agreements for consumers relating to residential immovable property** and Directive 2014/92/EU of the European Parliament and of the Council **of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts.**

Amendment

6. This Regulation shall be without prejudice to the role and powers of competent authorities and European Banking Authority under Directive 2014/17/EU of the European Parliament and of the Council^{1a} and Directive 2014/92/EU of the European Parliament and of the Council^{1b}.

Chapter III of this Regulation shall not apply to intra-Union infringements of the two Directives referred to in the first subparagraph.

Commented [LM1]: move into a separate subpara

^{1a} Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property and amending Directives 2008/48/EC and 2013/36/EU

and Regulation (EU) No 1093/2010 (OJ L 60, 28.2.2014, p. 34).

^{1b} Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features (OJ L 257, 28.8.2014, p. 214).

Amendment 43

Proposal for a regulation Article 2 – paragraph 7

Text proposed by the Commission

Amendment

7. Chapter III of this Regulation shall not apply to intra-Union infringements of the following legislation:

deleted

(a) Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property

(b) Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features.

Amendment 44

Proposal for a regulation Article 2 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. This Regulation shall be without prejudice to the possibility of bringing private enforcement actions and actions for damages under national law.

Amendment 45

Proposal for a regulation

Article 3 – paragraph 1 – point a

Text proposed by the Commission

(a) ‘laws that protect consumers’ interests’ means the Directives as transposed into the internal legal order of the Member States and the Regulations listed in the Annex;

Amendment

(a) ‘**Union** laws that protect consumers’ interests’ means the Directives as transposed into the internal legal order of the Member States and the Regulations listed in the Annex **hereto**;

Amendment 46

Proposal for a regulation

Article 3 – paragraph 1 – point b

Text proposed by the Commission

(b) ‘intra-Union infringement’ means any **ongoing or ceased** act or omission contrary to **the** laws that protect consumers’ interests that harmed, harms, or is likely to harm the collective interests of consumers residing in a Member State other than the Member State where the act or omission originated or took place, where the trader responsible for the act or omission is established or where evidence or assets of the trader pertaining to the act or omission are to be found;

Amendment

(b) ‘intra-Union infringement’ means any act or omission contrary to **Union** laws that protect consumers’ interests that harmed, harms, or is likely to harm the collective interests of consumers residing in a Member State other than the Member State where the act or omission originated or took place, **or** where the trader responsible for the act or omission is established, or where evidence or assets of the trader pertaining to the act or omission are to be found;

Amendment 47

Proposal for a regulation

Article 3 – paragraph 1 – point c – point 1

Text proposed by the Commission

(1) any act or omission contrary to **the** laws that protect consumers’ interests that harmed, harms, or is likely to harm the collective interests of consumers residing in at least two Member States other than the Member State where the act or omission originated or took place, or where the trader responsible for the act or

Amendment

(1) any act or omission contrary to **Union** laws that protect consumers’ interests that harmed, harms, or is likely to harm the collective interests of consumers residing in at least two Member States other than the Member State where the act or omission originated or took place, or where the trader responsible for the act or

omission is established, or where evidence or assets pertaining to the act or omission are to be found; irrespective of whether the act or omission is ongoing or has ceased; or

omission is established, or where evidence or assets pertaining to the act or omission are to be found; irrespective of whether the act or omission is ongoing or has ceased; or

Amendment 48

Proposal for a regulation

Article 3 – paragraph 1 – point c – point 2

Text proposed by the Commission

(2) any acts or omissions contrary to *the* laws that protect consumers interests that have common features, such as the same unlawful practice, the same interest being infringed or that are occurring concurrently, in at least two Member States;

Amendment

(2) any acts or omissions contrary to **Union** laws that protect consumers interests **that harmed, harm, or are likely to harm consumers' collective interests and** that have common features, such as the same unlawful practice **or** the same interest being infringed, or that are occurring concurrently, in at least two Member States;

Amendment 49

Proposal for a regulation

Article 3 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) 'widespread infringement with a Union dimension' means a widespread infringement that harmed, harms or is likely to harm consumer's collective interests in a majority of Member States accounting together for at least a majority of the population of the Union;

Amendment 50

Proposal for a regulation

Article 3 – paragraph 1 – point c b (new)

Text proposed by the Commission

Amendment

(cb) 'competent authority' means any

public authority established at national, regional or local level with specific responsibilities to enforce Union laws that protect consumers' interests;

Amendment 51

Proposal for a regulation

Article 3 – paragraph 1 – point c c (new)

Text proposed by the Commission

Amendment

(cc) 'single liaison office' means the public authority in each Member State designated as responsible for coordinating the application of this Regulation within that Member State;

Amendment 52

Proposal for a regulation

Article 3 – paragraph 1 – point c d (new)

Text proposed by the Commission

Amendment

(cd) 'designated body' means a body that a Member State can designate and which has a legitimate interest in the cessation or prohibition of infringements of Union laws that protect consumers' interests;

Amendment 53

Proposal for a regulation

Article 3 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) 'consumer' means any natural person who is acting for purposes which are outside his trade, business, craft or profession;

Amendment 54

Proposal for a regulation Article 3 – paragraph 1 – point i

Text proposed by the Commission

(i) ‘harm to collective interests of consumers’ means actual or potential harm to the interests of a number of consumers that are concerned by intra-Union infringements or widespread infringements; ***and that shall be presumed in particular where the infringement potentially; or actually harmed, harms or is likely to harm a significant number of consumers in a similar situation.***

Amendment

(i) ‘harm to collective interests of consumers’ means actual or potential harm to the interests of a number of consumers that are concerned by intra-Union infringements, widespread infringements ***or widespread infringements with a Union dimension;***

Amendment 55

Proposal for a regulation Article 3 – paragraph 1 – point i a (new)

Text proposed by the Commission

(ia) 'risk of serious and irreparable harm to consumers' means the risk of a situation likely to cause serious damage which can no longer be remedied;

Amendment

Amendment 56

Proposal for a regulation Article 3 – paragraph 1 – point i b (new)

Text proposed by the Commission

(ib) 'sweeps' means a concerted investigation of consumer markets through simultaneous coordinated control actions to identify infringements of Union laws that protect consumers' interests.

Amendment

Amendment 57

Proposal for a regulation Article 4

Text proposed by the Commission

Article 4

Limitation *periods* for infringements

1. The competent authorities may investigate infringements referred to in Article 2 and **prohibit** traders from engaging in such infringements in the future. The competent authorities may **impose penalties for those infringements** within five years from the cessation of the infringement.

2. The limitation period for **the imposition of penalties** shall begin to run on the day on which the infringement ceased.

3. Any action taken by the competent authority for the purpose of the investigation or enforcement proceedings in respect of the infringement shall suspend the limitation period for **the imposition of penalties** until the final decision concerning the matter is adopted. **The** limitation period for **the imposition of**

Amendment

Article 4

Limitation *period for imposing sanctions, for ordering that consumers be compensated and for ordering the restitution of profits obtained as a result of* infringements

1. The competent authorities may investigate infringements referred to in Article 2(1) and **prevent** traders from engaging in such infringements in the future. The competent authorities may **exercise the following powers** within five years from the cessation of the infringement:

(a) **the power to impose sanctions, as provided for in point (m) of Article 8(2);**

(b) **the power to order the trader responsible for the infringement to compensate consumers that have suffered harm as a consequence of that infringement, as provided for in point (n) of Article 8(2); and**

(c) **the power to order the restitution of profits obtained as a result of infringements, as provided for in point (o) of Article 8(2).**

The competent authorities may, where necessary, exercise those powers based upon evidence that is outside of the limitation period referred to in the second subparagraph.

2. The limitation period for **exercising the powers referred to in paragraph 1** shall begin to run on the day on which the infringement ceased.

3. Any action taken by the competent authority for the purpose of the investigation or enforcement proceedings in respect of the infringement shall suspend the limitation period for **exercising the powers referred to in paragraph 1** until the final decision concerning the matter is adopted. **That** limitation period shall be

penalties shall be suspended for as long as the decision, order or other action of the competent authority is the subject of proceedings pending before a court.

Amendment 58

Proposal for a regulation Article 5

Text proposed by the Commission

Article 5

Competent authorities and single liaison offices

1. Each Member State shall designate *as the competent authorities public authorities established either at national, regional or local level with specific responsibilities to enforce the laws that protect consumers' interests.*
2. Competent authorities shall fulfil their obligations under this Regulation as though acting on behalf of consumers in their own Member State and on their own account.
3. *Each Member State shall designate one competent authority as single liaison office.*
4. The single liaison office shall be responsible for coordinating *investigation and enforcement activities related to intra-Union infringements and widespread infringements* by the competent authorities, other public authorities as *set out* in Article 6, designated bodies *as set out in Article 13* and entities participating in the alert mechanism as *set out* in Article 34.
5. Member States shall ensure that competent authorities and single liaison offices have the *adequate* resources *necessary* for the application of this Regulation *and for the effective use of their powers pursuant to Article 8,*

suspended for as long as the decision, order or other action of the competent authority is the subject of proceedings pending before a court.

Amendment

Article 5

Competent authorities and single liaison offices

1. Each Member State shall designate the competent authorities *and a single liaison office that are responsible for the application of this Regulation.*
2. Competent authorities shall fulfil their obligations under this Regulation as though acting on behalf of consumers in their own Member State and on their own account.
4. The single liaison office shall be responsible for coordinating, *as between* the competent authorities, other public authorities as *referred to* in Article 6, designated bodies and entities participating in the alert mechanism as *referred to* in Article 35, *investigation and enforcement activities relating to intra-Union infringements, widespread infringements and widespread infringements with a Union dimension.*
5. Member States shall ensure that competent authorities and single liaison offices have the *necessary* resources for the application of this Regulation, including budgetary and other resources, expertise, procedures and other

including *sufficient* budgetary and other resources, expertise, procedures and other arrangements.

6. Where there is more than one competent authority on their territory, Member States shall ensure that their respective duties are clearly defined and that those authorities collaborate closely so that they can discharge their respective duties effectively.

arrangements.

6. Where there is more than one competent authority on their territory, Member States shall ensure that their respective duties are clearly defined and that those authorities collaborate closely so that they can discharge their respective duties effectively.

Amendment 59

Proposal for a regulation Article 6 – paragraph 4

Text proposed by the Commission

4. Each Member State may *designate bodies having a legitimate interest in the cessation or prohibition of infringements* ("designated bodies") to gather the necessary information and to take the necessary enforcement measures available to them under national law on behalf of a requested competent authority.

Amendment

4. Each Member State may *impose an obligation on* designated bodies to gather the necessary information and to take the necessary enforcement measures available to them under national law on behalf of a requested competent authority.

Amendment 60

Proposal for a regulation Article 6 – paragraph 5

Text proposed by the Commission

5. Member States shall ensure cooperation between the competent authorities and designated bodies, in particular to ensure that infringements referred to in Article 2 are brought to the attention of competent authorities without delay.

Amendment

5. Member States shall ensure cooperation between the competent authorities and designated bodies, in particular to ensure that infringements referred to in Article 2(1) are brought to the attention of competent authorities without delay.

Amendment 61

Proposal for a regulation Article 7 – paragraph 1

Text proposed by the Commission

1. Each Member State shall communicate without delay to the Commission ***and the other Member States the identities of the competent authorities, of the single liaison office, of the designated bodies as set out in Article 13 and of the entities participating in the alert mechanism as set out in Article 34, as well as any changes thereto.***

Amendment 62

**Proposal for a regulation
Article 7 – paragraph 1 – point a (new)**

Text proposed by the Commission

Amendment

1. Each Member State shall communicate without delay to the Commission:

Amendment

(a) the identities and contact details of the competent authorities, of the single liaison office, of the designated bodies and of the entities participating in the alert mechanism as referred to in Article 35;

Amendment 63

**Proposal for a regulation
Article 7 – paragraph 1 – point b (new)**

Text proposed by the Commission

Amendment

(b) information about the organisation, powers and responsibilities of the competent authorities; and

Amendment 64

**Proposal for a regulation
Article 7 – paragraph 1 – point c (new)**

Text proposed by the Commission

Amendment

(c) any changes to the information

mentioned in points (a) and (b).

Amendment 65

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

2. The Commission shall maintain and update *a* publicly available *list of single liaison offices, competent authorities, designated bodies and entities on its website.*

Amendment

2. The Commission shall maintain and update *on its website the information referred to in paragraph 1 and make it* publicly available.

Amendment 66

Proposal for a regulation Article 8

Text proposed by the Commission

Article 8

Minimum powers of competent authorities

1. Each *competent authority shall have* the investigation and enforcement powers necessary for the application of this Regulation *and shall exercise them in accordance with this Regulation and national law.*

2. *Each competent authority* shall have at least the following powers and exercise them under the conditions set out in Article 9, *to:*

(a) have access to any relevant document, data or information related to an infringement under this Regulation, in any form or format and irrespective of the

Amendment

Article 8

Powers of competent authorities

1. Each *Member State shall confer on their competent authorities* the investigation and enforcement powers *and shall provide them with the resources* necessary for the application of this Regulation.

1a. Notwithstanding paragraph 1, Member States may decide not to confer all the powers to each competent authority provided that every power can be effectively exercised.

2. *In order to carry out the duties assigned to them by this Regulation, the competent authorities in each Member State* shall have at least the following powers and *shall* exercise them under the conditions set out in Article 9:

(a) *the power to* have access to any relevant document, data or information related to an infringement under this Regulation, in any form or format and

medium on which or the place where they are stored;

(b) require the supply by any natural or legal person, including banks, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in **any** format or form and irrespective of the medium on which or the place where they are stored, for the purpose of **among others** identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

(c) require any public authority, body or agency within the Member State of the competent authority to supply any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose **among others**, of identifying and following **of** financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites;

(d) carry out the necessary on-site inspections, including **in particular** the power to enter any premises, land or means of transport or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection; **to request any representative or member of the staff of the trader concerned to give explanations on facts, information or documents**

irrespective of the medium on which or the place where they are stored;

(b) **the power to** require the supply by any natural or legal person, including banks, **payment service providers**, internet service providers, domain registries and registrars and hosting service providers of any relevant information, data or document in **the** format or form **in which it is stored**, and irrespective of the medium on which or the place **of storage**, where they are stored, for the purpose of identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites **when the information, data or document in question is related to the subject matter of an investigation**;

(c) **the power to** require any public authority, body or agency within the Member State of the competent authority to supply any relevant information, data or document in any format or form and irrespective of the medium on which or the place where they are stored, for the purpose of identifying and following financial and data flows, or of ascertaining the identity of persons involved in financial and data flows, bank account information and ownership of websites **when the information, data or document in question is related to the subject matter of an investigation**;

(d) **the power to** carry out the necessary on-site inspections, including the power to enter any premises, land or means of transport **that the trader uses for purposes related to his trade, business, craft or profession**, or to request other authorities to do so in order to examine, seize, take or obtain copies of information, data or documents, irrespective of the medium on which they are stored; to seal any premises or information, data or documents for a necessary period and to the extent necessary for the inspection;

relating to the subject matter of the inspection and to record the answers;

(e) purchase goods or services as test purchases in order to detect infringements under this Regulation and obtain evidence;

(f) purchase goods or services under a cover identity in order to detect infringements and to obtain evidence;

(g) adopt interim measures to prevent the risk of serious and irreparable harm to consumers, in particular *the suspension of a website, domain or a similar digital site*, service or account;

(h) start investigations or procedures to bring about the cessation *or prohibition* of intra-Union infringements or widespread infringements of its own initiative and where appropriate to publish information about this;

(i) obtain a commitment from the trader responsible for the intra-Union infringement or widespread infringement to cease the infringement and where appropriate to compensate consumers for the harm caused;

(j) request in writing the cessation of

(da) the power to request any representative or member of the staff of the trader concerned to give explanations or provide facts, information or documents relating to the subject matter of the inspection and record the answers;

(e) *the power to purchase goods or services as test purchases, including under a cover identity, to inspect them and to reverse engineer them* in order to detect infringements under this Regulation and obtain evidence; *depending on the nature of their intended use, samples which cannot be returned to the trader in their original condition shall be bought;*

(g) *the power to adopt interim measures, where there are no other means available to prevent the risk of serious and irreparable harm to collective interests of consumers, in particular requiring hosting service providers to remove content or to suspend a website, service or account, or requiring domain registries and registrars to put a fully qualified domain name on hold for a specified period of time;*

(h) *the power to start investigations or procedures to bring about the cessation of intra-Union infringements, widespread infringements or widespread infringements with a Union dimension* of its own initiative and where appropriate to publish information about this;

(i) *the power to seek to obtain and/or accept* a commitment from the trader responsible for the intra-Union infringement, *widespread infringement* or widespread infringement *with a Union dimension* to cease the infringement and where appropriate to compensate consumers for the harm caused;

the infringement by the trader;

(k) bring about the cessation or the prohibition of the infringement;

(l) close down a website, ***domain or similar digital site***, service or account or a part of it, including by requesting a third party or other public authority to implement such measures;

(m) impose ***penalties***, including fines and penalty payments, for intra-Union infringements and widespread infringements and for ***the*** failure to comply with any decision, order, interim measure, commitment or other measure adopted pursuant to this Regulation;

(n) order the trader responsible for the intra-Union infringement or widespread infringement to compensate consumers that have suffered harm as a consequence of ***the*** infringement including, ***among others***, monetary compensation, offering consumers the option to terminate the contract or other measures ensuring redress to consumers who have been harmed as a result of the infringement;

(o) order the restitution of profits obtained as a result of infringements, ***including an order that those profits are paid to the public purse or to a beneficiary designated by the competent authority or under national legislation***;

(k) ***the power to*** bring about the cessation or the prohibition of the infringement;

(l) ***the power, in the absence of an effective reaction within a reasonable time by the trader to a written request by the competent authority for the cessation or prohibition of an infringement, to order a hosting service provider to remove content*** or close down a website, service or account or a part of it, ***or to order domain registries or registrars to delete a fully qualified domain name and allow the competent authority concerned to register it***, including by requesting a third party or other public authority to implement such measures, ***in order to prevent the risk of serious and irreparable harm to the collective interests of consumers***;

(m) ***the power to*** impose ***sanctions***, including fines and penalty payments, for intra-Union infringements, ***widespread infringements*** and widespread infringements ***with a Union dimension*** and for failure to comply with any decision, order, interim measure, commitment or other measure adopted pursuant to this Regulation;

(n) ***the power to*** order the trader responsible for the intra-Union infringement, ***widespread infringement*** or widespread infringement ***with a Union dimension*** to compensate consumers that have suffered harm as a consequence of ***that*** infringement including, ***inter alia***, monetary compensation, offering consumers the option to terminate the contract or other measures ensuring redress to consumers who have been harmed as a result of the infringement;

(o) ***the power to*** order the restitution of profits obtained as a result of infringements;

(p) publish any final decisions, *interim* measures or orders, including the publication of the identity of the trader responsible for the intra-Union infringement or widespread infringement;

(q) consult consumers, consumer organisations, designated bodies and other persons concerned about the effectiveness of the proposed commitments in ceasing the infringement and removing the harm caused by it.

(p) *the power to* publish any final decisions, *final* measures, *trader's commitments* or orders *adopted pursuant to this Regulation*, including the publication of the identity of the trader responsible for the intra-Union infringement, *widespread infringement* or widespread infringement *with a Union dimension*;

(q) *the power to* consult consumers, consumer organisations, *trader organisations*, designated bodies, *where applicable*, and other persons concerned about the effectiveness of the proposed commitments in ceasing the infringement and removing the harm caused by it.

Amendment 67

Proposal for a regulation Article 9

Text proposed by the Commission

Article 9

Exercise of *minimum* powers

1. The competent authorities shall exercise the powers set out in Article 8 *in accordance with this Regulation and national law either*:

(a) directly under their own authority; *or*

(b) by application to courts competent to grant the necessary decision, including, where appropriate, by appeal, if the application to grant the necessary decision is not successful.

Amendment

Article 9

Exercise of powers *by competent authorities*

1. The competent authorities shall exercise the powers set out in Article 8:

(a) directly under their own authority;

(aa) with the assistance of other public authorities or under the supervision of the judicial authorities, where appropriate;

(ab) by instructing designated bodies, where relevant; or

(b) by application to courts competent to grant the necessary decision, including, where appropriate, by appeal, if the application to grant the necessary decision is not successful.

1a. The competent authorities shall in any case exercise the powers set out in points (d), (g) and (l) of Article 8(2) in

2. Insofar as competent authorities exercise their powers by application to courts, those courts shall have the power to grant the necessary decisions **and shall act within the framework of this Regulation.**

accordance with point (b) of paragraph 1 of this Article.

2. Insofar as competent authorities exercise their powers by application to courts, those courts shall have the power to grant the necessary decisions.

2a. The competent authorities shall exercise powers set out in Article 8 proportionately, efficiently and effectively in accordance with Union law, including the principles of the Charter of Fundamental Rights of the European Union, applicable procedural safeguards and the Union rules on data protection, and national law.

2b. Investigation and enforcement measures adopted in application of this Regulation shall adequately reflect the nature of the infringement and the overall actual or potential harm caused by it.

2c. When a decision is being made whether to impose a sanction and on the amount of the fine to be imposed in each individual case, due regard shall be given to the following:

(a) the nature, gravity and duration of the infringement, taking into account the number of consumers affected and the level of damage suffered by them;

(b) the intentional or negligent character of the infringement;

(c) any action taken by the trader to mitigate the damage suffered by consumers;

(d) any relevant previous infringements committed by the trader;

(e) the degree to which the trader has cooperated with the competent authority in order to remedy the infringement and to mitigate the possible adverse effects thereof.

3 The Member States shall ensure that the court fees and other costs linked to the adoption of the court decisions in the

3. The Member States shall ensure that the court fees and other costs linked to the adoption of the court decisions in the

proceedings initiated in application of this Regulation are proportionate and do not hamper the application of this Regulation.

proceedings initiated in application of this Regulation are proportionate and do not hamper the application of this Regulation.

Amendment 68

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Implementing powers

The Commission may adopt implementing acts setting out the conditions for the implementation and exercise of the minimum powers of competent authorities referred to in Article 8. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment 69

Proposal for a regulation

Article 11

Text proposed by the Commission

Amendment

Article 11

Article 11

Requests for information

Requests for information

1. A requested authority shall, on request from an applicant authority, supply any relevant information required to establish whether an intra-Union infringement has occurred and to bring about the cessation of that infringement. The requested authority shall notify the Commission without delay of the request for information and of its reply.

1. A requested authority shall, on request from an applicant authority, supply **to the applicant authority without delay, and in any event within 30 days**, any relevant information required to establish whether an intra-Union infringement has occurred and to bring about the cessation of that infringement. The requested authority shall notify the Commission without delay of the request for information and of its reply.

2. The requested authority shall undertake the appropriate investigations or take any other necessary or appropriate

2. The requested authority shall undertake the appropriate investigations or take any other necessary or appropriate

measures in order to gather the required information. If necessary, those investigations shall be carried out with the assistance of other public authorities or designated bodies.

3. On request from the applicant authority, the requested authority may allow competent officials of the applicant authority to accompany the officials of the requested authority in the course of their investigations.

4. *The requested authority shall reply to the request using the procedure for information requests and within the time limits set out by the Commission in the implementing act.*

5. *The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for information. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).*

Amendment 70

Proposal for a regulation Article 12

Text proposed by the Commission

Article 12

Requests for enforcement measures

1. A requested authority shall, on request from an applicant authority, take all necessary enforcement measures to bring about the cessation **or prohibition** of the intra-Union infringement, including imposing **penalties** and ordering or facilitating the compensation of consumers for harm caused by **the** infringement.

2. *In order to fulfil its obligations laid down in paragraph 1, the requested*

measures in order to gather the required information. If necessary, those investigations shall be carried out with the assistance of other public authorities or designated bodies.

3. On request from the applicant authority, the requested authority may allow competent officials of the applicant authority to accompany the officials of the requested authority in the course of their investigations.

Amendment

Article 12

Requests for enforcement measures

1. A requested authority shall, **without undue delay**, on request from an applicant authority, take all necessary enforcement measures to bring about the cessation of the intra-Union infringement **by exercising the powers set out in Article 8 and any additional powers granted to it under national law**, including imposing **sanctions** and ordering or facilitating the compensation of consumers for harm caused by **that** infringement.

authority shall exercise the powers set out under Article 8 and any additional powers granted to it under national law. The requested authority shall determine the enforcement measures appropriate to bring about the cessation or prohibition of the intra-Union infringement in a proportionate, efficient and effective way. If necessary, those measures shall be determined and implemented with the assistance of other public authorities.

3. The requested authority shall regularly inform **and consult** the applicant authority about the steps and measures taken. The requested authority shall notify through the database **set out** in Article 43 **the applicant authority, the competent authorities of other Member States and the Commission** of the measures taken and **their** effect on the intra-Union infringement **without delay**, including the following:

- (a) whether interim measures have been imposed;
- (b) whether the infringement has ceased;
- (c) which penalties have been imposed;
- (d) to what extent consumers have been compensated
- (e) whether the measures taken have been implemented.**

4. **The requested authority shall reply to the request using the procedures for requests for enforcement measures and within the time limits set out by the Commission in the implementing act.**

5. **The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures for requests for enforcement measures. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**

3. The requested authority shall regularly inform the applicant authority about the steps and measures taken **and shall consult the applicant authority about the steps and measures that the requested authority intends to take.** The requested authority shall notify through the database, **provided for** in Article 43, of the measures taken and **the** effect **thereof** on the intra-Union infringement, including the following:

- (a) whether interim measures have been imposed;
- (b) whether the infringement has ceased;
- (c) which **measures, including sanctions**, have been imposed **and whether those measures have been implemented**;
- (d) to what extent consumers have been compensated.

Amendment 71

Proposal for a regulation Article 13 – paragraph 6

Text proposed by the Commission

6. *The Commission shall adopt implementing acts setting out the time limits, standard forms and details of the procedures involving designated bodies. The implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).*

Amendment

deleted

Amendment 72

Proposal for a regulation Article 14 – paragraph 1

Text proposed by the Commission

1. In requests for mutual assistance, the applicant authority shall provide **sufficient** information to enable a requested authority to fulfil the request, including any necessary evidence obtainable only in the Member State of the applicant authority.

Amendment

1. In requests for mutual assistance, the applicant authority shall provide **necessary** information to enable a requested authority to fulfil the request, including any necessary evidence obtainable only in the Member State of the applicant authority.

Amendment 73

Proposal for a regulation Article 15

Text proposed by the Commission

Article 15

Refusal to comply with a request for mutual assistances

1. A requested authority may refuse to comply with a request for information under Article 11 if one or more of the following applies:

(a) **in its opinion**, following consultation with the applicant authority, the information requested is not needed by the applicant authority to establish whether an

Amendment

Article 15

Refusal to comply with a request for mutual assistance

1. A requested authority may refuse to comply with a request for information under Article 11 if one or more of the following applies:

(a) following consultation with the applicant authority, **the requested authority provides justified reasons showing that** the information requested is

intra-Union infringement has occurred or to establish whether there is a reasonable suspicion that it may occur;

(b) the applicant authority does not agree that the information is subject to the provisions on confidentiality and professional and commercial secrecy set out in Article 41;

(c) criminal investigations or judicial proceedings have already been initiated **or final judgment has already been given** in respect of the same intra-Union infringement and against the same trader before the judicial authorities in the Member State of the requested or applicant authority.

2. A requested authority may refuse to comply with a request for enforcement measures under Article 12 following a consultation with the applicant authority, if one or more of the following applies:

(a) criminal investigations or judicial proceedings have already been initiated or final judgment **has already been given** in respect of the same intra-Union infringement and against the same trader before the judicial authorities in the Member State of the requested or applicant authority

(b) in its opinion, following appropriate investigation **by the requested authority**, no intra-Union infringement has occurred;

(c) in its opinion, the applicant authority has not provided **sufficient** information in accordance with Article 12(1),

A request for enforcement measures cannot be refused on the ground that insufficient information has been provided if a request for information on the same intra-Union infringement was refused on the grounds **that criminal investigations or judicial proceedings have already been initiated or final judgment has already been given in**

not needed by the applicant authority **in order** to establish whether an intra-Union infringement has occurred or to establish whether there is a reasonable suspicion that it may occur;

(b) the applicant authority does not agree that the information is subject to the provisions on confidentiality and professional and commercial secrecy set out in Article 41;

(c) criminal investigations or judicial proceedings have already been initiated in respect of the same intra-Union infringement and against the same trader before the judicial authorities in the Member State of the requested or applicant authority.

2. A requested authority may refuse to comply with a request for enforcement measures under Article 12 following a consultation with the applicant authority, if one or more of the following applies:

(a) criminal investigations or judicial proceedings have already been initiated or **there is a final administrative decision, a final judgment or a court settlement** in respect of the same intra-Union infringement and against the same trader before the judicial authorities in the Member State of the requested or applicant authority;

(b) in its opinion, following appropriate investigation, no intra-Union infringement has occurred;

(c) in its opinion, the applicant authority has not provided **necessary** information in accordance with Article 14(1).

A request for enforcement measures cannot be refused on the ground that insufficient information has been provided if a request for information on the same intra-Union infringement was **previously** refused on the grounds referred to in **point (c) of** paragraph 1.

respect of the same intra-Union infringement and against the same trader, as referred to in paragraph (1)(c).

3. The requested authority shall inform the applicant authority and the Commission of the refusal to comply with a request for mutual assistance and provide grounds for the refusal.

4. In the event of a disagreement between the applicant and the requested authority, the applicant authority or the requested authority **shall without delay** refer the matter to the Commission which shall issue an opinion. Where the matter is not referred to it, the Commission may of its own motion issue an opinion.

5. The Commission shall monitor the functioning of the mutual assistance mechanism, the compliance of competent authorities with the procedures and the time limits for handling mutual assistance requests. The Commission shall have access to the mutual assistance requests **and to the information and documents exchanged between the applicant and requested authority.**

6. Where appropriate, the Commission may issue guidance and provide advice to the Member States to ensure the effective and efficient functioning of the mutual assistance mechanism.

7. **The Commission may adopt implementing acts setting out the details of the procedures to address cases of disagreement between competent authorities under paragraphs 3 and 4. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**

3. The requested authority shall inform the applicant authority and the Commission of the refusal to comply with a request for mutual assistance and provide grounds for the refusal.

4. In the event of a disagreement between the applicant **authority** and the requested authority, the applicant authority or the requested authority **may** refer the matter to the Commission which shall **without delay** issue an opinion. Where the matter is not referred to it, the Commission may of its own motion issue an opinion. **For the purpose of issuing an opinion, the Commission may ask for relevant information and documents exchanged between the applicant authority and the requested authority.**

5. The Commission shall monitor the functioning of the mutual assistance mechanism **and** the compliance of competent authorities with the procedures and the time limits for handling mutual assistance requests. The Commission shall have access to the mutual assistance requests.

6. Where appropriate, the Commission may issue guidance and provide advice to the Member States to ensure the effective and efficient functioning of the mutual assistance mechanism.

Amendment 74

**Proposal for a regulation
Article 15 a (new)**

Text proposed by the Commission

Amendment

Article 15a

Implementing acts

The Commission shall adopt implementing acts laying down the standard forms and steps of the procedure referred to in Articles 11, 12 and 15. Those implementing act shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment 75

**Proposal for a regulation
Chapter IV – title**

Text proposed by the Commission

Amendment

**COORDINATED *SURVEILLANCE*,
INVESTIGATION AND
ENFORCEMENT MECHANISM FOR
WIDESPREAD INFRINGEMENTS**

**COORDINATED INVESTIGATION
AND ENFORCEMENT MECHANISM
FOR WIDESPREAD INFRINGEMENTS
*AND WIDESPREAD
INFRINGEMENTS WITH A UNION
DIMENSION***

Amendment 76

**Proposal for a regulation
Chapter IV – section I – title**

Text proposed by the Commission

Amendment

Widespread infringements

Widespread infringements ***and widespread
infringements with a Union dimension***

Amendment 77

**Proposal for a regulation
Article 16**

Text proposed by the Commission

Article 16

Opening of coordinated action and designation of the coordinator

1. Where a competent authority has a reasonable suspicion that a widespread infringement is taking place, it shall notify the competent authorities of the **other** Member States concerned by **the widespread** infringement and the Commission without delay.

2. Where the Commission has a reasonable suspicion that a widespread infringement is taking place, it shall notify the competent authorities concerned by the widespread infringement.

3. After receiving **the notifications** referred to in **paragraphs 1 and 2**, the competent authorities concerned by **the widespread infringement** shall, acting by consensus, **designate the** competent authority **that shall coordinate the action.**

4. The competent authorities concerned may invite the Commission to take up the coordination role. The Commission shall inform the competent authorities concerned without delay whether it accepts the coordination role.

5. When **notifying the competent authority** pursuant to paragraph 2, **the Commission** may propose to take up the coordination role. The competent authorities concerned shall inform the Commission without delay whether they **accept that** the Commission **coordinates** the action.

Amendment

Article 16

Launching of coordinated actions and designation of the coordinator

1. Where a competent authority **or the Commission** has a reasonable suspicion that a widespread infringement is taking place, it shall notify the competent authorities of the Member States concerned by **that** infringement and the Commission, **as applicable**, without delay.

3. After receiving **the notification as** referred to in **paragraph 1, in the case of a widespread infringement**, the competent authorities concerned by **it** shall, acting by consensus, **decide whether to launch a coordinated action. The notifying** competent authority shall **coordinate the action unless the competent authorities concerned by the widespread infringement agree that another competent authority or the Commission is to do so.**

5. When **it is the Commission that notifies the competent authorities** pursuant to paragraph 1, **it** may propose to take up the coordination role. The competent authorities concerned shall inform the Commission without delay whether they **agree to** the Commission **coordinating the action, or whether they agree on a competent authority that is to coordinate** the action.

6. Where the Commission declines to take up the coordination role or where the competent authorities concerned do not accept that the Commission coordinates the action, the competent authorities concerned shall designate a competent authority that shall coordinate the action. Where no agreement among competent authorities is reached, the competent authority that first notified the suspected infringement to the other competent authorities shall coordinate the action.

6. Where the Commission declines to take up the coordination role or where the competent authorities concerned do not accept that the Commission coordinates the action, the competent authorities concerned shall designate a competent authority that shall coordinate the action. Where no agreement among competent authorities is reached, the competent authority that first notified the suspected infringement to the other competent authorities shall coordinate the action.

6a. After giving or receiving the notification referred to in paragraph 1, the Commission together with the single liaison offices of the Member States concerned shall verify the preliminary evidence regarding the existence of the widespread infringement. When the threshold for a widespread infringement with a Union dimension is met, the Commission shall launch a coordinated action. The Commission shall notify its decision to launch the coordinated action to the single liaison offices of the Member States concerned by that action. The Commission shall coordinate the action.

Amendment 78

Proposal for a regulation Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Participation in coordinated actions

1. A competent authority may decline to take part in a coordinated action for any of the following reasons:

(a) a criminal investigation or judicial proceedings have already been initiated in respect of the same widespread infringement or the widespread infringement with a Union dimension and against the same trader in the Member

State concerned;

(b) a final administrative decision, a final judgment or a court settlement has already been arrived at in respect of the same widespread infringement or the widespread infringement with a Union dimension and against the same trader in the Member State concerned;

(c) the relevant widespread infringement or the widespread infringement with a Union dimension has not occurred in the Member State concerned.

2. Following the decision to launch a coordinated action pursuant to Article 16, where a competent authority decides not to take part in the coordinated action, it shall without delay inform the Commission and the other competent authorities and single liaison offices concerned about its decision, state the reasons for it and provide the necessary supporting documents.

3. A competent authority may join a coordinated action if it becomes apparent during the coordinated action that it is concerned by the widespread infringement or the widespread infringement with a Union dimension that is the subject of the coordinated action.

Amendment 79

Proposal for a regulation Article 17

Text proposed by the Commission

Article 17

Investigation measures in coordinated actions

1. The competent authorities concerned shall ensure that the necessary evidence, data and information are gathered effectively and efficiently. The competent authorities concerned shall ensure that

Amendment

Article 17

Investigation measures in coordinated actions

1. The competent authorities concerned shall ensure that the necessary evidence, data and information are gathered effectively and efficiently. The competent authorities concerned shall ensure that

investigations and inspections are conducted simultaneously and that interim measures are applied simultaneously.

2. The competent authorities concerned may use the mutual assistance mechanism pursuant to Chapter III, in particular to gather evidence and information from Member States other than the Member States concerned by the coordinated action or to ensure that the trader concerned does not circumvent enforcement measures.

3. *Where appropriate*, the competent authorities concerned *may* set out the outcome of the investigation and the assessment of the widespread infringement in a common position agreed upon among themselves.

4. *Where appropriate and* without prejudice to the rules on professional and commercial secrecy set out in Article 41, the competent authorities concerned *may decide to* publish the common position or parts of it on their websites and on the Commission website and seek the views of other parties concerned.

investigations and inspections are conducted simultaneously and that interim measures are applied simultaneously *to the extent that national procedural law so allows*.

2. The competent authorities concerned may use the mutual assistance mechanism pursuant to Chapter III, in particular to gather evidence and information from Member States other than the Member States concerned by the coordinated action or to ensure that the trader concerned does not circumvent enforcement measures.

3. The competent authorities concerned *shall* set out the outcome of the investigation and the assessment of the widespread infringement *or, where applicable, the widespread infringement with a Union dimension*, in a common position agreed upon among themselves.

3a. Unless otherwise agreed between the competent authorities concerned, the coordinator shall communicate the common position to the trader responsible for the infringement, who shall be given the opportunity to be heard on the matters forming part of the common position.

4. Without prejudice to the rules on professional and commercial secrecy set out in Article 41, the competent authorities concerned *shall* publish the common position or parts of it on their websites and on the Commission website and *may* seek the views of *consumer organisations, trader organisations and* other parties concerned.

Amendment 80

Proposal for a regulation Article 18

Text proposed by the Commission

Article 18

Enforcement measures in coordinated

Amendment

Article 18

Commitments in coordinated actions

actions

1. The competent authorities concerned may invite the trader responsible for the infringement to propose commitments to cease the infringement and where appropriate to compensate or take other measures facilitating compensation of consumers that have suffered harm. The trader may also, on *its* own initiative, propose commitments to cease the infringement and to compensate consumers.

2. Where the trader proposes commitments, the competent authorities concerned, may, where appropriate, publish the proposed commitments on their websites or, as appropriate, on the Commission website to seek the views of other parties concerned *and to verify whether the commitments are sufficient to cease the infringement and to compensate consumers.*

1. ***On the basis of a common position adopted pursuant to Article 17***, the competent authorities concerned may invite the trader responsible for the ***widespread infringement or the widespread infringement with a Union dimension*** to propose commitments to cease the infringement and where appropriate to compensate, or take other measures facilitating compensation of, consumers that have suffered harm. The trader may also, on *his* own initiative, propose commitments to cease the infringement and to compensate ***such*** consumers.

2. Where the trader proposes commitments, the competent authorities concerned, may, where appropriate, publish the proposed commitments on their websites or, as appropriate, on the Commission website to seek the views of other parties concerned, ***including consumer organisations and trader organisations.***

2a. The competent authorities concerned shall assess the proposed commitments by the trader responsible for the infringement and communicate to the trader the outcome of the assessment agreed upon among themselves. Where those commitments are considered to be sufficient to ensure the cessation of the widespread infringement or widespread infringement with a Union dimension and, where appropriate, the compensation of consumers harmed by it, the competent authorities shall accept those commitments and set a time limit for implementation of the commitments.

Where it is unlikely that the widespread infringement or widespread infringement with a Union dimension will cease as a result of commitments made by the trader responsible for that infringement, the competent authorities may take enforcement measures pursuant to Article

18a.

2b. The competent authorities concerned shall monitor the implementation of the commitments. They shall in particular ensure that the trader responsible for the infringement regularly reports to the coordinator about the progress of the implementation of the commitments.

3. The competent authorities concerned may designate one competent authority to take enforcement measures on behalf of the other competent authorities in order to bring about the cessation or to prohibit the widespread infringement, to ensure compensation of consumers or to impose penalties. When designating a competent authority to take enforcement measures the competent authorities shall take into consideration the location of the trader concerned. Once the competent authority has been designated to take enforcement measures by the other competent authorities concerned, it shall become competent to act on behalf of the consumers of each such Member State as if they were its own consumers.

4. The competent authorities may decide to take enforcement measures simultaneously in all or some Member States concerned by the widespread infringement. In such a case, the competent authorities shall ensure that those enforcement measures are launched simultaneously in all Member States concerned.

5. The instruction of a designated body to take enforcement measures pursuant to paragraphs 1 to 4 shall only be possible if the competent authorities concerned give their consent to such instruction and where such instruction does not lead to disclosure of information which is subject to the rules on professional and commercial secrecy set out in Article 41.

Amendment 81

Proposal for a regulation Article 18 a (new)

Text proposed by the Commission

Amendment

Article 18a

Enforcement measures in coordinated actions

1. The competent authorities concerned shall agree which competent authority, or, where necessary, competent authorities, is to take, on behalf of the other competent authorities, enforcement measures, including the imposition on the trader of sanctions and of an order requiring him to pay compensation to the consumers harmed by it, where:

(a) it is unlikely that the infringement will cease as a result of the commitments proposed by the trader responsible for the infringement;

(b) the trader responsible for the infringement does not propose commitments before the expiry of a time limit set by the competent authorities concerned;

(c) the trader responsible for the infringement proposes commitments which are insufficient to ensure the cessation of the infringement and the compensation of consumers harmed by the infringement; or

(d) the trader responsible for the infringement fails to implement the commitments before the expiry of the time limit set out in Article 18(2a).

2. Once a competent authority has been designated to take enforcement measures by the other competent authorities concerned, it shall be competent to act on behalf of the consumers in each of the other Member States concerned as if they were its own consumers. When designating a competent authority to take enforcement

measures, the competent authorities shall take into consideration all relevant aspects conducive to effective enforcement.

3. Where the competent authorities do not proceed in accordance with paragraph 2, they shall take enforcement measures simultaneously in several or all of the Member States concerned by the widespread infringement or the widespread infringement with a Union dimension.

4. A designated competent authority may be directed to take enforcement measures pursuant to paragraphs 1 to 3 of this Article only if the competent authorities of the Member States concerned by such measures give their consent and only if this does not lead to disclosure of information which is subject to the rules on professional and commercial secrecy set out in Article 41.

Amendment 82

Proposal for a regulation Article 19

Text proposed by the Commission

Article 19

Closure of the coordinated actions

Amendment

Article 19

Closure of the coordinated actions

1. The competent authorities concerned shall decide to close the coordinated action where they conclude that:

(a) no widespread infringement or widespread infringement with a Union dimension has occurred;

(b) following the implementation of commitments by the trader responsible for it, the widespread infringement or widespread infringement with a Union dimension has ceased;

(c) following enforcement measures, the widespread infringement or

The *coordinating authority* shall *inform* the Commission *and* competent authorities of the Member States concerned without delay *when the widespread infringement has ceased or has been prohibited*.

widespread infringement with a Union dimension has ceased.

2. The *coordinator* shall *notify* the Commission, *where applicable, the competent authorities and the single liaison offices* of the Member States concerned without delay *of the closure of the coordinated action*.

Amendment 83

Proposal for a regulation Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19a

Re-opening of coordinated actions

The coordinator shall, without delay, notify the Commission, where applicable, and the competent authorities and the single liaison offices of the Member States concerned if the widespread infringement or widespread infringement with a Union dimension recurs and further measures are to be taken. In that event, the coordination may take place without launching a new coordinated action.

Amendment 84

Proposal for a regulation Article 20

Text proposed by the Commission

Amendment

The Commission may adopt implementing acts *setting out the details of the procedures for common actions for widespread infringements, in particular* the standard forms for notifications and other exchanges between competent authorities and the Commission. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

The Commission may adopt implementing acts *laying down the time limits and* the standard forms for notifications and other exchanges *of information and enforcement requests* between competent authorities and the Commission *for coordinated actions in relation to widespread infringements and widespread infringements with a Union dimension*. Those implementing acts shall be adopted

in accordance with the examination procedure referred to in Article 48(2).

Amendment 85

Proposal for a regulation Chapter IV – section II

Text proposed by the Commission

Amendment

[...]

deleted

Amendment 86

Proposal for a regulation Chapter IV – section III – title

Text proposed by the Commission

Amendment

General provisions applicable to coordinated actions *and to common actions under this chapter*

General provisions applicable to coordinated actions

Amendment 87

Proposal for a regulation Article 29 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. The coordinator appointed in accordance with Articles 16, **21** or 32 shall in particular:

1. The coordinator appointed in accordance with Articles 16 or 32 shall in particular:

Amendment 88

Proposal for a regulation Article 29 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) ensure that all the competent authorities concerned and the Commission are duly informed in a timely manner of the progress of the enforcement action, the

(a) ensure that all the competent authorities concerned and, **where applicable**, the Commission are duly informed in a timely manner of the

anticipated next steps and the measures to be adopted;

progress of the enforcement action, the anticipated next steps and the measures to be adopted;

Amendment 89

Proposal for a regulation Article 29 – paragraph 1 – point b

Text proposed by the Commission

(b) coordinate the investigations, the inspections and the adoption of interim measures that are decided upon by the competent authorities concerned in accordance with *sections I and II, monitor investigations, inspections and interim measures, as well as other measures, pursuant to Article 8;*

Amendment

(b) coordinate **and monitor** the investigations, the inspections and the adoption of interim measures that are decided upon by the competent authorities concerned in accordance with **section I;**

Amendment 90

Proposal for a regulation Article 29 – paragraph 1 – point c

Text proposed by the Commission

(c) coordinate the preparation and sharing of all necessary documents among the competent authorities concerned and the Commission;

Amendment

(c) coordinate the preparation and sharing of all necessary documents among the competent authorities concerned and, **where applicable,** the Commission;

Amendment 91

Proposal for a regulation Article 29 – paragraph 1 – point d

Text proposed by the Commission

(d) maintain contact with the traders and other parties concerned by the surveillance, investigation and enforcement measures, unless otherwise agreed upon by the competent authorities concerned and the Commission;

Amendment

(d) maintain contact with the traders and other parties concerned by the surveillance, investigation and enforcement measures, unless otherwise agreed upon by the competent authorities concerned, **the coordinator** and, **where applicable,** the Commission;

Amendment 92

Proposal for a regulation

Article 29 – paragraph 1 – point f

Text proposed by the Commission

(f) coordinate other enforcement measures adopted by the competent authorities concerned, including applications to the courts for the necessary orders and decisions, the imposition of **penalties** and the adoption of measures ensuring consumer compensation;

Amendment

(f) coordinate other enforcement measures adopted by the competent authorities concerned, including applications to the courts for the necessary orders and decisions, the imposition of **sanctions** and the adoption of measures ensuring consumer compensation;

Amendment 93

Proposal for a regulation

Article 30 – paragraph 1

Text proposed by the Commission

1. The competent authorities shall coordinate their market surveillance activities and their investigation and enforcement measures to address widespread infringements pursuant to **sections I and II**. They shall exchange all necessary information and provide each other and the Commission with any other assistance needed without delay.

Amendment

1. The competent authorities shall coordinate their market surveillance activities and their investigation and enforcement measures to address widespread infringements pursuant to **section I**. They shall exchange all necessary information and provide each other and the Commission with any other assistance needed without delay.

Amendment 94

Proposal for a regulation

Article 30 – paragraph 3

Text proposed by the Commission

3. The languages used by the competent authorities and the Commission for notifications and for all communications linked to **the** coordinated actions, **common actions** and **concerted investigations of consumer markets** pursuant to this Chapter shall be agreed upon by the competent

Amendment

3. The languages used by the competent authorities and the Commission for notifications and for all communications linked to coordinated actions and **sweeps** pursuant to this Chapter shall be agreed upon by the competent authorities

authorities concerned and the Commission.

concerned and the Commission.

Amendment 95

Proposal for a regulation Article 30 – paragraph 4

Text proposed by the Commission

4. If no agreement can be reached, notifications and other communications shall be sent in the official language of the Member State making the notification or other communication. In that case, each competent authority concerned shall ensure **the necessary** translations of the notifications, communications and other documents that it receives from other competent authorities.

Amendment

4. If no agreement can be reached, notifications and other communications shall be sent in the official language of the Member State making the notification or other communication. In that case, each competent authority concerned shall **if necessary** ensure **the production of** translations of the notifications, communications and other documents that it receives from other competent authorities.

Amendment 96

Proposal for a regulation Article 30 – paragraph 5 – introductory part

Text proposed by the Commission

5. Where **the** coordinated **or common** actions pursuant to **sections I and II** concern widespread infringements **of** the following Union legislation the coordinator shall invite the European Banking Authority to **take** an observer **role**:

Amendment

5. Where coordinated actions pursuant to **section I** concern widespread infringements **or widespread infringements with a Union dimension which contravene** the following Union legislation, the coordinator shall invite the European Banking Authority to **act as** an observer:

Amendment 97

Proposal for a regulation Article 31 – title

Text proposed by the Commission

Common position and hearing of traders

Amendment

Language arrangements for communication with traders

Amendment 98

Proposal for a regulation Article 31 – paragraph 1

Text proposed by the Commission

Amendment

1. The common position referred to in Articles 17 and 23 shall be communicated to the trader responsible for the infringement. The trader responsible for the infringement shall be given the opportunity to be heard on the matters which are part of the common position.

deleted

Amendment 99

Proposal for a regulation Article 31 – paragraph 2

Text proposed by the Commission

Amendment

2. The trader shall be entitled to communicate in the official language of the Member State of *its* establishment or residence. *The trader may waive that right or request that another official language of the Union be used for communicating with the competent authorities.*

2. The trader shall be entitled to communicate in the official language of the Member State of *his* establishment or residence.

Amendment 100

Proposal for a regulation Article 31 – paragraph 3

Text proposed by the Commission

Amendment

3. *The Commission may adopt implementing acts setting out the details of the implementation of traders' rights of defence in coordinated and common actions. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).*

deleted

Amendment 101

Proposal for a regulation Article 32

Text proposed by the Commission

Article 32

Concerted investigations of consumer markets

1. Where market trends, consumer complaints or other indications suggest that widespread infringements may have occurred, occur or may occur, the competent authorities concerned may decide to conduct ***a concerted investigation of consumer markets ("sweep")***. ***Such a concerted investigation shall be coordinated by the Commission.***

2. When conducting ***concerted investigations***, the competent authorities ***concerned*** shall make effective use of the powers set out in Article 8 and other powers conferred upon them by national law.

3. The competent authorities may invite Commission officials and other accompanying persons authorised by the Commission to participate in sweeps.

4. The Commission may adopt implementing acts setting out the details of the procedures for sweeps. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment

Article 32

Sweeps

1. Where market trends, consumer complaints or other indications suggest that widespread infringements may have occurred, occur or may occur, the competent authorities concerned may decide to conduct ***sweeps***.

1a. Sweeps shall be coordinated by the Commission.

2. When conducting ***sweeps***, the competent authorities ***participating in them*** shall make effective use of the powers set out in Article 8 and other powers conferred upon them by national law.

3. The competent authorities may invite ***designated bodies***, Commission officials and other accompanying persons authorised by the Commission, ***when appropriate and duly substantiated***, to participate in sweeps.

4. The Commission may adopt implementing acts setting out the details of the procedures for sweeps. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment 102

Proposal for a regulation Article 34

Text proposed by the Commission

Article 34

Alert Mechanism

1. A competent authority shall without delay notify the Commission and other competent authorities of any reasonable suspicion that an infringement is taking place on its territory that may affect consumers' interests in other Member States ('alert') using the standard form via the database referred to in Article 43.
2. The Commission shall without delay notify the competent authorities concerned of any reasonable suspicion that an infringement has occurred on the Union's territory ('alert') via the database referred to in Article 43.
3. In an alert the competent authority or the Commission shall provide, where available, in particular the following information about the suspected infringement:
 - (a) a description of the act or omission that constitutes the infringement;
 - (b) the product or service concerned by the infringement;
 - (c) the Member States concerned or possibly concerned by the infringement;
 - (d) the trader responsible or suspected of being responsible for the infringement;
 - (e) the legal basis for possible actions by reference to national law and the corresponding provisions of the Union acts in the Annex ***to this Regulation***;
 - (f) the nature of legal proceedings, enforcement measures or other measures taken concerning the infringement and their dates and duration;

Amendment

Article 34

Alert Mechanism

1. A competent authority shall without delay notify the Commission and other competent authorities of any reasonable suspicion that an ***intra-Union infringement or a widespread*** infringement is taking place on its territory that may affect consumers' interests in other Member States ('alert') using the standard form via the database referred to in Article 43.
2. The Commission shall without delay notify the competent authorities concerned of any reasonable suspicion that an ***intra-Union infringement or a widespread*** infringement has occurred on the Union's territory ('alert') via the database referred to in Article 43.
3. In an alert the competent authority or the Commission shall provide, where available, in particular the following information about the suspected ***intra-Union infringement or a widespread*** infringement;
 - (a) a description of the act or omission that constitutes the infringement;
 - (b) the product or service concerned by the infringement;
 - (c) the Member States concerned or possibly concerned by the infringement;
 - (d) the trader responsible or suspected of being responsible for the infringement;
 - (e) the legal basis for possible actions by reference to national law and the corresponding provisions of the Union acts ***listed*** in the Annex;
 - (f) the nature ***and status*** of legal proceedings, enforcement measures or other measures taken concerning the infringement and their dates and duration;

(g) *the status of legal proceedings, enforcement measure or other measures taken concerning the infringement;*

(h) the competent authority conducting legal proceedings and other measures;

(i) *whether the alert is 'for information' or 'for action'.*

4 In an alert '*for action*', the competent authority or the Commission *may* ask *other* competent authorities and the Commission to verify whether similar suspected infringements *may be* taking place in the territory of other Member States or whether any enforcement measures have already been taken against such infringements in other Member States.

5 *To address the suspected infringements effectively, the competent authorities concerned shall, depending on the replies to the alert, take the necessary measures set out in Chapters III and IV.*

6 The Commission shall adopt implementing acts *setting out the details of the functioning of the alert mechanism, including in particular standard forms for alerts*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment 103

Proposal for a regulation Article 35

Text proposed by the Commission

Article 35

Participation of other entities in the alert mechanism

1. Designated bodies *and* European

(h) the competent authority conducting legal proceedings and other measures.

4 In an alert, the competent authority or the Commission *shall* ask competent authorities *of other Member States* and, *where appropriate*, the Commission to verify whether similar suspected infringements *are* taking place in the territory of other Member States or whether any enforcement measures have already been taken against such infringements in other Member States. *Those competent authorities of other Member States and the Commission shall reply to the request without delay.*

6. The Commission shall adopt implementing acts *laying down standard forms for submitting an alert via the database referred to in Article 43*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment

Article 35

Participation of other entities in the alert mechanism

1. Designated bodies, European

Consumer Centres *shall participate in the alert mechanism set out in Article 34. Member States shall designate* consumer organisations and associations, *and other entities such as* trader associations, *with* the appropriate expertise and legitimate interest in consumer protection *that shall participate in the alert mechanism. Member States shall notify the Commission of those entities without delay.*

2. The Commission *may designate* other entities representing consumer and business interests at a Union level *that shall participate in the alert mechanism.*

3. *The entities described in paragraphs 1 and 2 shall be entitled to notify the competent authorities of the Member States concerned and the Commission of suspected infringements and provide the information set out in Article 34(3), using the standard form for external notifications provided by the database referred to in Article 43 ('external alert').*

4. *The external alerts shall only be 'for information'.* The competent authorities shall not be bound to initiate a procedure or take any other action in response to the alerts *and information provided by those entities.* Entities making external alerts shall ensure that the information provided is correct, up to date and accurate and shall correct the information posted without delay or withdraw it as appropriate. For that purpose, they shall have access to the information they have provided, subject to the limitations referred to in Articles 41 and 43.

Consumer Centres, consumer organisations and associations *as well as* trader associations *having* the appropriate expertise and legitimate interest in consumer protection shall *be entitled to notify competent authorities of the Member States concerned and the Commission of suspected infringements and provide the information set out in Article 34(3) using the standard form for external notifications via the database referred to in Article 43 ('external alert').*

The Commission shall adopt implementing acts laying down standard forms for submitting an external alert via the database referred to in Article 43. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

2. The Commission *shall entitle* other entities representing consumer and business interests at Union level *to make an external alert.*

4. The competent authorities shall not be bound to initiate a procedure or take any other action in response to the *external* alerts. Entities *referred to in paragraphs 1 and 2* making external alerts shall ensure that the information provided is correct, up to date and accurate, and shall correct *any errors in* the information posted without delay or withdraw it as appropriate. For that purpose, they shall have access to the information they have provided, subject to the limitations referred to in Articles 41 and 43. *Those entities shall also be notified of any follow-up actions taken by the competent authority concerned in relation to external alerts, or, upon*

request, of the lack of any action.

5. The Commission may adopt implementing acts setting out the details of the designation and participation of other entities in the alert mechanism. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment 104

Proposal for a regulation Article 36 – paragraph 1 – introductory part

Text proposed by the Commission

1. Via the database referred to in Article 43, **the** competent authorities shall **without delay** notify the Commission and **other** competent authorities of any measure **that they have** taken to address an infringement of **the** laws **which** protect consumers' interests on their territory if they suspect that the infringement may affect consumers' interests in other Member States, **in particular:**

Amendment

1. Via the database referred to in Article 43, competent authorities shall notify the Commission and competent authorities **of other Member States without delay** of any measure taken **by them** to address an infringement of **Union** laws **that** protect consumers' interests on their territory if they suspect that the infringement **in question** may affect consumers' interests in other Member States.

Amendment 105

Proposal for a regulation Article 36 – paragraph 1 – point a

Text proposed by the Commission

(a) any notice, order, decision or similar measure of a competent authority or another authority relating to the opening of national proceedings concerning an infringement or suspected infringement;

Amendment

deleted

Amendment 106

Proposal for a regulation Article 36 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) any decision of a court or other judicial authority, judicial order, injunction or other similar measure that concerns an infringement or suspected infringement;

deleted

Amendment 107

**Proposal for a regulation
Article 36 – paragraph 1 – point c**

Text proposed by the Commission

Amendment

(c) any other information, decision, order or act of other national authorities or designated bodies, as appropriate, that may concern an infringement or suspected infringement.

deleted

Amendment 108

**Proposal for a regulation
Article 36 – paragraph 2**

Text proposed by the Commission

Amendment

2. The Commission may adopt implementing acts setting out the details of the exchange of other information relevant for the detection of infringements under this Regulation. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

deleted

Amendment 109

**Proposal for a regulation
Article 37**

Text proposed by the Commission

Amendment

Article 37

Article 37

Coordination of other activities contributing to surveillance and enforcement

1. Member States shall inform each other and the Commission of their activities in the following areas:

(a) *the training of their officials involved in enforcing consumer protection, including language training, and the organisation of training seminars;*

(b) the collection, classification and exchange of data on consumer complaints;

(c) the development of sector-specific networks of competent officials;

(d) the development of information and communication tools;

(e) the development of standards, methodologies and guidelines *for officials involved in enforcing consumer protection;*

(f) *the exchange of their officials, including the ability to carry out activities under Chapters III and IV.*

2. Member States *shall* coordinate and jointly organise the activities *set out* in paragraph 1.

3. *The Commission and the Member States shall regularly share information and data concerning consumer complaints. For that purpose, the Commission shall develop and maintain a harmonised methodology for classifying and reporting consumer complaints in cooperation with Member States.*

4. *The Commission may adopt implementing acts necessary to develop the framework for cooperation under paragraphs 1 and 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).*

Coordination of other activities contributing to surveillance and enforcement

1. Member States shall inform each other and the Commission of their activities in the following areas:

(a) *development of personnel resources of the competent authorities responsible for the application of this Regulation, including relevant training of their officials;*

(b) the collection, classification and exchange of data on consumer complaints;

(c) the development of sector-specific networks of competent officials;

(d) the development of information and communication tools;

(e) the development of standards, methodologies and guidelines *concerning the application of this Regulation.*

2. Member States *may* coordinate and jointly organise the activities *referred to* in paragraph 1.

Amendment 110

Proposal for a regulation Article 39 – paragraph 2

Text proposed by the Commission

2. Member States may, in cooperation with the Commission, carry out common activities in the areas *set out* in paragraph 1. **The Member States shall**, in cooperation with the Commission, develop a common framework for the activities *set out* in point (e) of paragraph 1.

Amendment

2. Member States may, in cooperation with the Commission, carry out common activities in the areas *referred to* in paragraph 1. **They may**, in cooperation with the Commission, develop a common framework for the activities *referred to* in point (e) of paragraph 1.

Amendment 111

Proposal for a regulation Article 39 – paragraph 3

Text proposed by the Commission

3. **The Commission may adopt implementing acts necessary to develop the framework for exchange of information referred to paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).**

Amendment

deleted

Amendment 112

Proposal for a regulation Article 41 – paragraph 1

Text proposed by the Commission

1. Information collected *pursuant to Article 8 which is* communicated to the competent authorities and the Commission shall only be used for the *purposes* of ensuring compliance with *the* laws that protect consumers' interests.

Amendment

1. Information collected *by or* communicated to the competent authorities and the Commission shall only be used for the *purpose* of ensuring compliance with **Union** laws that protect consumers' interests.

Amendment 113

Proposal for a regulation

Article 41 – paragraph 3 – introductory part

Text proposed by the Commission

3. Notwithstanding paragraph 2, the competent authorities may use and disclose the information necessary:

Amendment

3. Notwithstanding paragraph 2 **and provided that fundamental rights, such as the right to privacy and to protection of personal data, as well as Union law on protection and processing of personal data, are fully respected**, the competent authorities may use and disclose the information necessary:

Amendment 114

Proposal for a regulation

Article 41 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) for matters of public interest, such as public safety, consumer protection, public health and environmental protection.

Amendment 115

Proposal for a regulation

Article 42 – paragraph 2

Text proposed by the Commission

2. Evidence, documents, information, explanations and investigation findings made by a competent authority in one Member State **in accordance with Article 8** may be used for proceedings initiated in application of this Regulation by competent authorities in other Member States without further formal requirements.

Amendment

2. **Member States shall ensure that** evidence, documents, information, explanations and investigation findings made by a competent authority in one Member State may be used for proceedings initiated in application of this Regulation by competent authorities in other Member States without further formal requirements.

Amendment 116

Proposal for a regulation Article 43 – paragraph 1

Text proposed by the Commission

1. The Commission shall establish and maintain the necessary electronic database ***in which it shall store and process the information received to support mutual assistance requests pursuant to Chapter III, measures pursuant to Chapter IV and the surveillance mechanism pursuant to Chapter V. The*** database shall be made ***available for consultation to*** the competent authorities and the Commission.

Amendment

1. The Commission shall establish and maintain the necessary electronic database ***for all communications between competent authorities, single liaison offices and the Commission under this Regulation. That*** database shall be made ***directly accessible for*** the competent authorities, ***single liaison offices*** and the Commission.

Amendment 117

Proposal for a regulation Article 43 – paragraph 2

Text proposed by the Commission

2. Information provided by other authorities, entities and designated bodies shall be stored and processed in the electronic database but those authorities, entities and designated bodies shall not have access to ***this*** database.

Amendment

2. Information provided by other ***public*** authorities, entities ***referred to in Article 35*** and designated bodies shall be stored and processed in the electronic database but those authorities, entities and designated bodies shall not have access to ***that*** database.

Amendment 118

Proposal for a regulation Article 43 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where a competent authority, a designated body or an entity referred to in Article 35 establishes that a notification of an infringement given by it pursuant to Articles 34 and 35 has subsequently been shown to be unfounded, it shall withdraw that notification. The Commission shall without delay remove the relevant

information from the database, and shall inform the parties of the reasons for that removal.

Amendment 119

Proposal for a regulation

Article 43 – paragraph 3 – point a

Text proposed by the Commission

(a) a requested authority notifies the Commission pursuant to Article 12(3) that an intra-Union infringement has ceased;

Amendment

(a) a requested *competent* authority notifies the Commission pursuant to Article 12(3) that an intra-Union infringement has ceased;

Amendment 120

Proposal for a regulation

Article 43 – paragraph 3 – point b

Text proposed by the Commission

(b) the *coordinating authority* notifies the Commission pursuant to Article 19 that the *widespread infringement has ceased or has been prohibited*;

Amendment

(b) the *coordinator* notifies the Commission pursuant to Article 19 that the *coordinated action is closed*;

Amendment 121

Proposal for a regulation

Article 43 – paragraph 3 – point c

Text proposed by the Commission

(c) the Commission decides pursuant to Article **26** that the *common* action concerning a widespread infringement with a Union dimension is closed but traders' commitments shall be stored for **10** years to ensure compliance with *the* laws that protect consumers' interests;

Amendment

(c) the Commission, *as coordinator*, decides pursuant to Article **19** that the *coordinated* action concerning a widespread infringement with a Union dimension is closed but *that* traders' commitments *are to* be stored for **five** years to ensure compliance with *Union* laws that protect consumers' interests;

Amendment 122

Proposal for a regulation Article 43 – paragraph 4

Text proposed by the Commission

4. The Commission shall adopt implementing acts ***necessary to implement the database***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment

4. The Commission shall adopt implementing acts ***laying down standard electronic forms and templates available in the database for the discussion forum through which all requests and replies as well as other documents are to be exchanged***. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).

Amendment 123

Proposal for a regulation Article 45 – title

Text proposed by the Commission

National enforcement plans and prioritisation

Amendment

Enforcement plans and prioritisation

Amendment 124

Proposal for a regulation Article 45 – paragraph 1 – introductory part

Text proposed by the Commission

1. ***Every two years from xx/xx/20xx*** [the date of entry into force of this Regulation], each Member State shall submit to the Commission ***biennial*** enforcement plans, ***using a dedicated online standard form provided by the Commission***. The enforcement plans shall contain ***in particular***:

Amendment

1. ***By ...*** [the date of entry into force of this Regulation] ***and every two years thereafter***, each Member State shall submit to the Commission enforcement plans. ***Those*** enforcement plans shall contain:

Amendment 125

Proposal for a regulation

Article 45 – paragraph 1 – point a

Text proposed by the Commission

(a) information concerning market trends that may affect consumers' interests ***in their Member State, thus highlighting issues that may be likely to exist in other Member States;***

Amendment

(a) information concerning market trends that may affect consumers' interests;

Amendment 126

Proposal for a regulation

Article 45 – paragraph 1 – point b

Text proposed by the Commission

(b) ***where applicable, a summary of the implementation of the previous biennial enforcement plan, including overview of actions under this Regulation, consumer complaints and other complaints received, surveillance and enforcement activities and important court actions, judgments and other orders or measures and reasons why the previous biennial plan may not have been fully implemented;***

Amendment

deleted

Amendment 127

Proposal for a regulation

Article 45 – paragraph 1 – point c

Text proposed by the Commission

(c) ***information about the organisation, powers and responsibilities of the competent authorities as well as any changes or planned changes thereof;***

Amendment

deleted

Amendment 128

Proposal for a regulation Article 45 – paragraph 1 – point d

Text proposed by the Commission

(d) the priority areas for the enforcement of *the* laws that protect consumers' interests *for the next two years* in the Member State;

Amendment

(d) the priority areas for the enforcement of *Union* laws that protect consumers' interests in the Member State *concerned*;

Amendment 129

Proposal for a regulation Article 45 – paragraph 1 – point f

Text proposed by the Commission

(f) *an overview of resources available and committed for enforcement of the laws that protect consumers' interests in the Member State for the two years;*

Amendment

deleted

Amendment 130

Proposal for a regulation Article 45 – paragraph 1 – point g

Text proposed by the Commission

(g) *a statement of resources committed to the implementation of this Regulation for the next two years.*

Amendment

deleted

Amendment 131

Proposal for a regulation Article 45 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall make publicly available a summary of the enforcement plans.

Amendment 132

Proposal for a regulation Article 45 – paragraph 2

Text proposed by the Commission

2. In *case of* substantial change of circumstances or market conditions *during the two years after the submission of the last enforcement plan*, Member States may *submit a revised* enforcement plan.

Amendment

2. In *cases involving a* substantial change of circumstances or market conditions, Member States may *provide information concerning those changes where their scope goes beyond what is covered by the* enforcement plan.

Amendment 133

Proposal for a regulation Article 46

Text proposed by the Commission

Article 46

Monitoring and implementation of national enforcement plans

1. *The Commission shall monitor the implementation of the national enforcement plans. The Commission may give advice concerning the implementation of national enforcement plans, establish benchmarks as regards resources necessary for the implementation of this Regulation and promote best practices.*

2. *The Commission shall adopt implementing acts necessary to develop the online standard forms and details of the national enforcement plans referred to in Article 45. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 48(2).*

Amendment

deleted

Amendment 134

Proposal for a regulation Article 47 – title

Text proposed by the Commission

Principles for imposing **penalties** for intra-Union **and** widespread infringements

Amendment

Principles for imposing **sanctions** for intra-Union **infringements**, widespread infringements **and widespread infringements with a Union dimension**

Amendment 135

Proposal for a regulation

Article 47 – paragraph 1 – introductory part

Text proposed by the Commission

1. When imposing **penalties** in the context of intra-Union infringements **and** widespread infringements, the competent authorities shall take into account **among others**:

Amendment

1. When imposing **sanctions** in the context of intra-Union infringements, widespread infringements **and widespread infringements with a Union dimension**, the competent authorities shall take into account **inter alia**:

Amendment 136

Proposal for a regulation

Article 47 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Those penalties shall be effective, proportionate and dissuasive.

Amendment 137

Proposal for a regulation

Article 49 – paragraph 1

Text proposed by the Commission

Member States shall communicate to the Commission without delay the text of any provisions of national law that they adopt, **or** of agreements other than **to deal** with individual cases that they conclude, on matters covered by this Regulation.

Amendment

Member States shall communicate to the Commission without delay the text of any provisions of national law that they adopt, **and** of agreements, other than **agreements dealing** with individual cases, that they conclude on matters covered by this Regulation.

Amendment 138

Proposal for a regulation Article 50 – paragraph 1

Text proposed by the Commission

By [xx/xx/20xx *at the latest, no later than within seven years from its entry into application*], the Commission shall **present a report** to the European Parliament and the Council on the application of this Regulation.

Amendment

By ... [*five years after the date of entry into force of this Regulation*], the Commission shall **submit** to the European Parliament and **to** the Council **a report** on the application of this Regulation.

Amendment 139

Proposal for a regulation Article 50 – paragraph 2

Text proposed by the Commission

The report shall contain an evaluation of the application of the Regulation including an assessment of the effectiveness of enforcement of *the* laws that protect consumers' interests under this Regulation and an examination of, *among others*, how *the* compliance with *the* laws that protect consumers' interests by traders has evolved in key consumer markets concerned by cross-border trade.

Amendment

The report shall contain an evaluation of the application of the Regulation including an assessment of the effectiveness of enforcement of *Union* laws that protect consumers' interests under this Regulation and an examination of, *inter alia*, how compliance with *Union* laws that protect consumers' interests by traders has evolved in key consumer markets concerned by cross-border trade. **The Commission shall assess, in particular, the effectiveness of the following:**

- (a) *the powers provided under Article 8;*
- (b) *the threshold set for wide-spread infringements with a Union dimension;*
- (c) *the system of exchange of information on infringements as provided for by Article 43.*

That report shall be accompanied, where necessary, by legislative proposals.

Amendment 140

Proposal for a regulation Article 50 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

By ... [the date of entry into force of this Regulation] and every two years thereafter, the Commission shall submit to the European Parliament and to the Council a report containing an overview of the information, developments in the area of consumer law enforcement and statistics exchanged under the surveillance mechanism established pursuant to Article 33, including posted alerts and follow-up actions taken in relation to external alerts, and an overview of widespread infringements and widespread infringements with a Union dimension pursuant to Article 16.

Amendment 141

Proposal for a regulation Article 51

Text proposed by the Commission

Amendment

Article 51

deleted

Amendment of the Annex to Regulation (EU) No 2006/2004

In the Annex to Regulation (EU) No 2006/2004 the following points are added:

‘18. Directive 2011/83/EU of the European Parliament and of the Council of 25 October 2011 on consumer rights (OJ L 304, 22.11.2011, p.64).

19. Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market: Article 20 (OJ L 376, 27.12. 2006, p. 36).

20. Regulation (EC) No 1371/2007 of the European Parliament and of the Council of 23 October 2007 on railway passenger rights and obligations (OJ L 315, 3.12. 2007, p. 14).

21. *Regulation (EC) No 1107/2006 of the European Parliament and of the Council of 5 July 2006 concerning the rights of disabled persons and persons with reduced mobility when travelling by air (OJ L 204, 26.7.2006, p. 1).*

22. *Regulation (EC) No 1008/2008 of the European Parliament and of the Council of 24 September 2008 on common rules for the operation of air services in the Community: Articles 22, 23 and 24 (OJ L 293, 31.10.2008, p. 3).*

23. *Directive 2014/17/EU of the European Parliament and of the Council of 4 February 2014 on credit agreements for consumers relating to residential immovable property: Articles 10, 11, 13, 14, 15, 16, 17, 18, 21, 22, 23, Chapter 10 and Annexes I and II (OJ L 60, 28.2.2014, p. 34).*

24. *Directive 2014/92/EU of the European Parliament and of the Council of 23 July 2014 on the comparability of fees related to payment accounts, payment account switching and access to payment accounts with basic features, Articles 4 to 18 and 20(2) (OJ L 257, 28.8.2014, p. 214).*

Amendment 142

Proposal for a regulation Article 53 – paragraph 2

Text proposed by the Commission

This Regulation shall apply from [*one year* after *its* entry into force].

Amendment

This Regulation shall apply from ... [*18 months* after *the date of* entry into force of *this Regulation*].

Amendment 143

Proposal for a regulation Article 53 – paragraph 3

Text proposed by the Commission

However, Article 51 shall apply from [the entry into force of this Regulation].

Amendment

deleted

Amendment 144

**Proposal for a regulation
Annex – point 24 a (new)**

Text proposed by the Commission

Amendment

24a. Regulation (EU) No 524/2013 of the European Parliament and of the Council of 21 May 2013 on online dispute resolution for consumer disputes and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (Regulation on consumer ODR): Article 14 (OJ L 165, 18.6.2013, p. 1).

Amendment 145

**Proposal for a regulation
Annex – point 24 b (new)**

Text proposed by the Commission

Amendment

24b. Regulation (EC) No 924/2009 of the European Parliament and of the Council of 16 September 2009 on cross-border payments in the Community and repealing Regulation (EC) No 2560/2001 (OJ L 266, 9.10.2009, p. 11).

Amendment 146

**Proposal for a regulation
Annex – point 24 c (new)**

Text proposed by the Commission

Amendment

24c. Regulation (EU) No 260/2012 of the European Parliament and of the Council

of 14 March 2012 establishing technical and business requirements for credit transfers and direct debits in euro and amending Regulation (EC) No 924/2009 (OJ L 94, 30.3.2012, p. 22).

Amendment 147

Proposal for a regulation
Annex – point 24 d (new)

Text proposed by the Commission

Amendment

24d. Directive (EU) 2015/2366 of the European Parliament and of the Council of 25 November 2015 on payment services in the internal market, amending Directives 2002/65/EC, 2009/110/EC and 2013/36/EU and Regulation (EU) No 1093/2010, and repealing Directive 2007/64/EC (OJ L 337, 23.12.2015, p. 35).

Amendment 148

Proposal for a regulation
Annex – point 24 e (new)

Text proposed by the Commission

Amendment

24e. Directive (EU) 2016/97 of the European Parliament and of the Council of 20 January 2016 on insurance distribution (OJ L 26, 2.2.2016, p. 19).

Amendment 149

Proposal for a regulation
Annex – point 24 f (new)

Text proposed by the Commission

Amendment

24f. Regulation 2017/1128 of the European Parliament and of the Council

of 14 June 2017 on cross-border portability of online content services in the internal market (OJ L 168, 30.6.2017, p. 1).

Amendment 150

**Proposal for a regulation
Annex – point 24 g (new)**

Text proposed by the Commission

Amendment

24g. Regulation .../... of the European Parliament and of the Council of... on addressing geo-blocking and other forms of discrimination based on customers' nationality, place of residence or place of establishment within the internal market and amending Regulation (EC) No 2006/2004 and Directive 2009/22/EC (OJ L ...)⁺.

⁺ OJ: Please insert the serial number, date of adoption and reference to publication of this Regulation (COD 2016/0152).